

**Town of Becket
Board of Selectmen's Meeting
February 21, 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*

Others: Michele Kenny (Chester), Bob Daley (Chester), Gene B. Watters (Chester),
Bob Ronzio, Gale Labelle, Gail Kusek, Tim Sullivan, Andras Sala, Henry Pacifer,
Ed Gibson, Bob Gross, Peter Potts (Country Journal)

1. Call to order

Bill called the meeting to order at 7 p.m. He indicated that the BOS was recording the meeting. Bob Ronzio specified that he was recording the meeting.

2. Pledge of Allegiance

Bill led the pledge of allegiance.

3. Board of Selectmen intends to go into Executive Session under MGL Chapter 30A, Section 21 (a) for Discussion of letter concerning the appointment of Becket's Emergency Management Director

Bill asked if there was a motion to enter Executive Session under MGL Chapter 30A, Section 21 (a) 1. for discussion of a letter concerning the appointment of Becket's Emergency Management Director ("EMD"). Former Town Administrator Ed Gibson conveyed his willingness to discuss this matter in open meeting. Bill stated that he received a phone call from Tim Sullivan a few weeks ago to complain that he was not given notice that he would not be reappointed as the EMD and that it was through the Board of Selectmen's letter of appreciation for his seven-year duration of his service as the EMD that he learned that he was not reappointed. In response, Bill suggested that Tim write a letter to the Board of Selectmen. Bill indicated that when the BOS agreed to vote on the Town Administrator's recommendation for appointment of the Emergency Management Director, it was done so with the understanding that the Town Administrator had discussed this matter with Tim Sullivan.

Tim read and discussed several sections of his letter with the Board of Selectmen and Ed Gibson. Tim explained that the BOS were ill advised that his work schedule would prevent him from fulfilling the EMD's responsibilities, and that due to being disabled from serving at "Ground Zero" during September of 2001, his availability has increased since he is in town 24/7. Tim asked the Selectmen if they would reconsider their decision. The letter described his background certifications, experience and accomplishments (including successful MEMA and FEMA grant purchases on behalf of the town).

Bill asked Tim about Ed's phone call. Tim stated that Ed contacted him to thank him for his service and Ed had indicated that due to extra trainings, he thought it would be more appropriate to appoint a full-time employee to serve as the Emergency Management Director. Tim stated that he was not aware that Ed was leaving the town's employ nor was he aware that the Emergency Management Director appointment would be included on the Board of Selectmen's agenda. Tim stated that he would have wanted to attend the meeting to partake in that discussion. Tim stated that he had regarded Ed as his supervisor and he saw no point in asking to remain if Ed did not want to work with him.

Ed responded that he had spoken to Tim the Wednesday before the meeting to explain how he had arrived at his decision not to reappoint him which was based on MEMA's changes and new demands. Ed stated that for the last two years MEMA has contacted Ed to request his or Police Chief Kris McDonough's presence at MEMA's quarterly meetings and their trainings because they said Mr. Sullivan was not attending these meetings. Ed stated that he did not realize that Tim was no longer working full-time. He indicated that Tim had mentioned that this would be a possibility and that he would know more in a couple of months. Ed stated that due to MEMA's new rules and regulations and requirements and the fact that MEMA asked for Ed or Kris's presence at the quarterly meetings and trainings, Ed thought that the EMD appointment would best be served by a full-time public safety town employee. Ed had conversations with Kris McDonough earlier in the year and Kris had specified that he was willing to serve as the EMD. Until Bill recently reminded him, Ed had forgotten that he had not appointed someone as the town's EMD.

Michael asked Tim about his MEMA Regional quarterly meeting attendance. Tim explained why his personal hardship prevented him from travelling to attend regional meetings during the past two years. Tim indicated that before that, Ed ignored him at the prior regional meetings that he had attended. Ed responded that he had only viewed Tim sitting behind his row at the end of one regional meeting and as for the other meetings, although he was not aware of Tim's presence, Tim could have approached him to offer regards or moved to sit with him.

Michael stated that he appreciates Tim's service to the community and at the 9-11 site. Michael stated that it was Tim's duty to have informed Ed if he was not able to attend the regional meetings.

Tim stated that for the past year and a half he has not received e-mails from MEMA and the Regional MEMA Director did not return his calls and he believes that something happened behind the scenes to exclude him. Tim stated on the other hand, another group within MEMA continued working with him on emergency action plans. Tim stated that he attended many of the Berkshire County Regional Emergency Management meetings. Nicole stated that maybe there was a communication problem and she is sorry if that had been the case. Nicole indicated that if a town official encounters a problem with communication, he or she may come to the Board of Selectmen. Tim stated that he viewed the Town Administrator as his superior. Bill stated that despite that, he had been appointed with the approval of the BOS and therefore any issues relating to this position that were not being addressed by the Town Administrator would be within the Selectmen's dominion. Ed stated that Mr. Sullivan never relayed that he was not receiving e-mails or returns calls from MEMA.

Tim indicated that he would like to continue to be involved with the town's emergency preparedness and he recommends that the town examine the following:

- Upgrades to the emergency management computer for new emergency management sites and applications. Michael stated that he would like to have Tim provide input for the town's communication upgrades.
- Establishment of an Emergency Communication Center at the Town Hall
- Appointment of an Assistant EMD which would be instrumental during disasters.
- Installation of emergency Shelters (with cots)

Bill stated that due to many new requirements (FEMA/MEMA), he would like to leave things as they are for the time-being and he would like to reach out to Bruce Agosti from MEMA to meet and discuss the status of the town's emergency preparedness plans. Nicole suggested that we may consider having an assistant emergency management director in the future. Michael offered that he is willing to serve on a sub-committee or participate and help as suggested. Michael would like to see a disaster plan that includes the town roads.

The BOS thanked Tim. Tim thanked the BOS for allowing him to come before them at tonight's meeting.

4. Board to review minutes for the Board of Selectmen's 02/07/2018 regular session meeting, and the joint Board of Selectmen and TA Search Committee's 02/13/2018 meeting

With the correction of Marcel to Markel on the 02/13/2018 meeting minutes, Michael moved to approve the Board of Selectmen's 02/07/2018 regular session meeting, and the joint Board of Selectmen and TA Search Committee's 02/13/2018 meeting. Nicole seconded. Motion carried unanimously

5. Broadband Update

Bob Gross advised that town counsel has assigned Becket Broadband matters to one of their partners experienced with municipal broadband. The partner reviewed and does not see any problem with the phase 2 agreement which may need the Selectmen's signature.

Yesterday Bob received Verizon's pole attachment agreement which he will forward to town counsel. When ready, he will send a draft to the BOS.

The Broadband Ad Hoc Group has been having phone meetings (twice a month) with Westfield Gas & Electric. Bob will have his monthly meeting with the Commonwealth of Massachusetts Last Mile Implementation Liaison Bill Ennen.

The Broadband Ad Hoc Group is encouraging Westfield Gas & Electric to process the pole applications which hinge on the town executing an agreement. Applications will cost \$20 per pole (This is the cost for Verizon, Westfield, and Eversource), and the town has approximately 3,960 poles. The pole lease fees will be determined.

6. Route 20 Spring

Gale Labelle, Chairperson of the Board of Health, indicated that at least 40 or 45 people came to the last Board of Health meeting to state that they want the Route 20 Spring to remain open. Gale questioned if the Route 20 Spring truly qualifies as a public water supply (25 users per day). She also stated that the town does not know who owns the Route 20 Spring. She questioned if the town can close the spring if it is not the owner. Gale stated that the Board of Health will conduct a "full Title 5 water testing" on the Route 20 Spring. She reported that she had asked Mr. Ron Levigne to provide recommendations (to the BOH) to remedy the water quality problems. Gale

supports exploring ideas to keep the spring open. She recommended that the town conduct a land survey.

Bill stated that the Town of Becket is under a consent order. Bob stated that he communicated with Deidre Doherty of DEP and they discussed the BOS's action taken at its February 7th meeting. Per her request, Bob sent Deidre a letter about the board's action. Deidre told Bob that she will take the BOS's latest action under advisement and she firmly reminded Bob that the Town of Becket remains under the consent order. Michael stated that effective April 1st, the town faces fines in the amount of \$100 per day if it does not comply with the consent order. Bob hopes that DEP will grant the BOS's request for a face to face meeting in Springfield to discuss these issues.

Nicole asked Bob to inquire with Town Counsel if the town has the right to obey the consent order since the spring is not on town property.

Gail Kusek stated that she conducted a deed search to ascertain ownership of the Route 20 Spring. Gail reported that she had stationed herself to count cars last weekend and each day fewer than 25 cars visited the spring. Gail Kusek and Gale Labelle indicated that Steve Salvini's survey indicates that Deerhaven Homeowners Association owns the spring but they do not agree.

Bob Ronzio recommended that the town hire an outside independent registered land surveyor to conduct the survey. He stated that Mr. Salvini's survey lacks reference points and does not qualify as a registered land survey.

Michele Kenny indicated that she had a petition (337 people) requesting that the town keep the spring open. Bill explained that the town cannot base its action from the petition because the town is obligated to follow the consent order. Michele indicated that many people are working together to determine and eliminate the source of contamination so that the consent order may be cancelled. Michele asked that the BOS invite Representative Pignatelli to attend the town's meeting with DEP. Bill stated that the BOS would invite him and Senator Hinds.

Bob Markel stated that the one constructive step the BOS may take is to meet with the DEP and try to get them to move forward cooperatively with the town. Bob stated that none of the members of the Board of Selectmen want to close the spring. If DEP will not meet with the town and town representatives and if they insist that the town implement the consent order, other options do not exist. Bob stated that we can certainly talk with a registered land consultant and town counsel but ultimately the town is required to follow DEP's mandate. Right now, the town is regarded in violation, and the only way the town may address that is to meet with the DEP. Bill pointed out that he does not know if the DEP will allow the state representative and state senator to attend the meeting.

Michael moved to search for a registered land surveyor to conduct a land survey to determine whether the Town of Becket has jurisdiction on the land known as the Route 20 Spring on the border of Becket and Chester. Nicole seconded. Motion carried unanimously.

7. Town of Dalton's request for comment to consider a Heavy Vehicle Ban on Washington Mountain Road

The BOS discussed the Town of Dalton's request for comment to consider a Heavy Vehicle Ban on Washington Mountain Road. The Becket Highway Superintendent e-mailed his recommendation to not support this proposition: the state had recently spent 9 million dollars

resurfacing the road, the driver who had an accident was remiss (he overloaded his trailer) with his vehicle operations, and it is the only access to Pittsfield if Route 8 in Washington is closed. Michael moved to take no action to promote a Heavy Vehicle Ban on Washington Mountain Road. Nicole seconded. Motion carried unanimously. The BOS will send a letter to the Town of Dalton advising of the BOS's vote and recommendation that rather than instituting an outright heavy vehicle ban, the Board of Selectmen would like to suggest placement of warning signs to alert drivers that a steep grade lies ahead, and placement of signs to remind drivers to reduce their speed around curves.

8. Highway Superintendent's notification that the Highway Department has exceeded its Winter Budget due to the large number of winter events

Bob Markel reported that he spoke to the Highway Superintendent who indicated that his department had ordered additional road related materials, they are running out of funds for payroll and his department will need to deficit spend for rest of the winter. The only legal way that they may do so is through BOS authorization. The deficit may be covered at the Annual Town Meeting, through transfers, or possibly through next year's tax recap. Bob Markel indicated that most towns within the Commonwealth underfund their winter roads account because it is impossible to predict the weather and its impacts on road maintenance.

Michael moved to allow the winter roads deficit budget for the Town of Becket. Nicole seconded. Motion carried unanimously.

9. Discussion and possible appointment of the town's representative to the Transportation Advisory Committee (Berkshire Regional Planning Commission organized this committee to serve in an advisory capacity to the Berkshire Metropolitan Planning Organization).

Michael moved to appoint Bill Elovirta as the town's representative to the Berkshire Regional Planning Commission Transportation Advisory Committee (TAC). Nicole seconded. Motion carried with Bill recusing himself.

10. Request for Use of the Town Hall Community Room for Mass Safe Boating Licensing Course

Bill moved that the Community Room will be available on 4/3, 4/5, 4/12, 4/17, and the Berkshire Room will be available on April 10th, from 6 p.m. till 8 p.m. for a Boating Safety Class. Nicole seconded. Motion carried unanimously. Beverly inquired if any of these dates may conflict with a Baby Town Meeting. The BOS advised that they do not know if there will be a Baby Town Meeting this year and they believe outside parties organizes the Baby Town meeting. Michael will notify the Cub Scout leader in case she had planned to request use of the Community room on one of those nights.

11. Town Hall Room Use Policy for Monday through Friday daytime requests from Lake Districts, Road Districts and Private Property Associations

Bill stated that at a future meeting with a less extensive agenda, he would be willing to revisit the policy for using the Town Hall meeting rooms during business hours.

12. FY 2019 Budget

Bob Markel passed out a preliminary revenue sheet. Comments:

- The number that the town will use for new growth is conservatively listed at \$50,000 (this does not include \$53,000 for the Borrego P.I.L.O.T. which will be a separate line item for this 20-year agreement, if approved.
- Revenue from taxation looks like it will increase \$196,000 from FY18 to FY19.

- Cherry sheets: Discussion had occurred about the state providing a modest increase in general government state aid and then removing it by reducing its P.I.L.O.T. for state-owned lands. Bob recommended that the BOS contact the town's representatives to say that there is clearly no justification for the state to reduce its contribution for state-owned lands.
- Local receipts estimates are up slightly (Bob is using Ed Gibson's number)
- Bob level-funded the enterprise receipts.
- Bob has started to work on the expenditure side. Bob anticipates that he will provide the draft budget at the March 8th Finance Committee meeting (he will provide a copy to the BOS in advance of the Finance Committee meeting).
- Discussion ensued regarding Community Preservation funding. Bill advised that his wife is preparing a Community Preservation grant application for the Parks & Recreation Committee and the due date for the CPC application is not until next week. Bill thinks the CPC deadlines should be earlier to coincide with the town budgeting process.
- Bob discussed overlay surplus.
- Bob will review articles and debt structure.

13. **Special Town Meeting**

Bob Markel gave copies of the March 6th Special Town Meeting Warrant, with the summary of each article, and suggested motions that the BOS mailed to owners of Becket households.

Bob advised that Jeanne Pryor, Chairperson of the Bylaw Review Committee, indicated that the Bylaw Review Committee is unhappy with Town Counsel's recommendations for the Animal Control Bylaw Article. Jeanne Pryor advised that last spring the Bylaw Review Committee forwarded their proposed Animal Control bylaw revisions to Town Counsel and Town Counsel came back with suggestions that the Bylaw Review Committee rejected. When Bob wrote the warrant together, he included Town Counsel's recommendations. Jeanne had told Bob that she understands what Town Counsel wants but the Bylaw Review Committee disagrees. Town Counsel said that much of the language in the bylaw is unnecessary and redundant because it is in the state law. The Bylaw Review Committee commented that it wants all the proposed language to remain because they believe that most people who read the bylaw would not appreciate having to look at another source to scour the state laws to see what is missing. They think the sensible thing to do is to have the bylaw contain everything. Bob Markel indicated that the dilemma is that the warrant that the BOS signed had the version of the Animal Control Bylaw recommended by Town Counsel. Legally, the only thing we can do is to continue with that version of the bylaw and then ask the Bylaw Review Committee to offer substitute language they want on the floor of the Special Town Meeting. After discussion, the BOS agreed that at the STM, the BOS will make a motion to pass-over this article so that the Bylaw Review Committee's intended wording for the proposed Animal Control Bylaw may be presented at the Annual Town Meeting.

14. **Board of Selectmen's Comments and Announcements**

Nicole announced that there will be a Berkshires 100 Percent Renewable Energy Summit (from 10 a.m. to 2 p.m.) at the Berkshire Community College on March 5th.

After Bill read the letter, Nicole moved that the BOS send the same letter to Representative Pignatelli and Senator Hinds to advocate to at least level fund the State's FY19 budget line

item for P.I.L.O.T. for state-owned forest lands located in the Town of Becket. Michael seconded. Motion carried unanimously.

15. Town Administrator's Report

Bob Markel reported on the following:

- At the MMA Conference, he and Bill met a firm called Tallage who purchases past due obligations of municipalities and takes over the risks as well as the legal and administrative costs and obligations required in the attempt to recoup monies previously owed to the municipality. Tallage purchases tax titles at auctions. Bob discussed with the Town Treasurer the possibility of contracting Tallage. The Treasurer is interested because the town has a significant number of tax titles. The Selectmen would need to designate a tax title custodian (that would be the Treasurer) who would prepare a list of delinquent properties. The company would come and bid on the titles and they will pay the back taxes plus interest up to the date of the auction. Tax title custodians prepare the tax titles outside the town employee's regular business hours and typically towns compensate the tax title custodian by giving them a small percentage of the tax titles.
- He met with the Energy Committee on February 20th. One of their concerns is the \$28,000 remaining funds from the Green Energy Grant. The \$28,000 was going to be used for the Town Hall HVAC project (which is not going to happen). Unless we expend this money by July 1, 2018, the town cannot apply for additional green energy funding for FY19. Bob will look at the list of potential uses for the green energy grant. Bob suggested that perhaps this money may be used for the second heater at the Highway Garage and he will talk to the Highway Superintendent about this.
- Bob read his letter to the Town of Washington regarding fiscal year 2019 fees (Fire Protection, Ambulance & Parks & Recreation).
- Bob attended the Central Berkshire Regional School District meeting last night. The town's assessment will increase 4.58 percent in the range of \$97,000. The primary reason for the increase is additional student attendance.
- Bob provided a listing of upcoming meetings and his schedule.

16. Public Input

The BOS and Bob fielded Andras Sala's questions relating to the municipal budget process including proposition 2 ½, school budget, interest and penalties on town taxes, and vocational regional schools. Andras commented that he does not agree with the town's support of funding the school building study.

17. Any other business to come before the Board

Beverly asked if a resident (non-board/committee member) may participate remotely in meetings. She explained that a resident had called to indicate that he could not attend the Selectmen's March meetings and he wanted to ask the BOS to sponsor an ATM Warrant item. The BOS advised that remote participation only applies to committee and board members. The BOS suggested that this individual may elect to submit a petition with ten signatures to the Town Clerk to place an article on the ATM Warrant.

18. BOS to review and sign Warrants

The BOS reviewed and signed payable warrants.

19. Review Correspondence:

- ❖ **Letter dated 02/08/2018 from Massachusetts Dept. of Agricultural Resources re: Apiary Program.** The state provided information on this program. A copy of this letter and pamphlet are posted on the town's website.
- ❖ **Letter dated 02/01/2018 from Housatonic Valley Association re: request for town FY19 appropriation for HVA.** Bill stated that he does not recall donating to this organization. The BOS took no action on this request.
- ❖ **Historical Commission's authorization for Gail Kusek to serve as its liaison to discuss the apothecary and other town properties with the BOS** Gail indicated that the owner of the apothecary (Pleasant Street) is willing to donate this property to the town, and she is researching this matter.

20. BOS to adjourn the meeting.

Michael moved to adjourn. Nicole seconded. Motion carried unanimously. Bill adjourned the meeting at 9:34 p.m.

Respectfully submitted,
Beverly Gilbert, *Administrative Assistant*



William Elovirta, *Chairperson*

Documents discussed at the meeting:

- Letter dated 02-06-2018 from Tim Sullivan re: Emergency Management Director appointment
- Highway Superintendent's notification that the Highway Department has exceeded its Winter Budget due to the large number of winter events
- Letter dated 02-12-2018 from Berkshire Regional Planning Commission re: Transportation Advisory Committee membership
- BOS letter dated 02-21-2018 to Rep. Pignatelli and Sen. Hinds re: FY19 PILOT For state owned land
- Town Administrator Report
- E-mail from Tara Carlow to request use of Town Hall in conjunction with a Safe Boating Course
- Correspondence as noted above
- Letter dated 01-29-2018 from Town of Dalton request for comment to consider Heavy Truck Exclusion on Washington Mountain Road.