

**Town of Becket
Board of Selectmen Meeting
December 5, 2018
7:00 p.m.
Town Hall
557 Main Street, Becket**

Attendees:

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

Staff: Bob Markel, *Interim Town Administrator*;
Beverly Gilbert, *Recording Secretary*
Christopher Bouchard, *Highway Superintendent*;
Geri Walter, *Assessor*; Ray Ferrin, *Ambulance Director*

Others: Patricia Mullins (Berkshire Regional Planning Commission), Jeff
Piemont, Jeremy Dunn, Dan Parnell, Al Blake, Gail Kusek, Laurel
Burgwardt, Bob Gross, Jayne Smith, Gale Labelle, Julia Kay Grace,
Robert Grace, Jeff Reynolds (Regional Resource Group)

1. Call to order

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

2. Pledge of Allegiance

Bill led the pledge of Allegiance.

3. 7:00 p.m. Public Hearing to review and receive comments on the Implementation of the FY17 CDBG CDF 1 00790 Becket Community Development Block Grant, including the Housing Rehabilitation Program.

At 7:02 p.m. Bill announced and read the public hearing notice relating to FY17 CDBG CDF 1 00790 Becket Community Development Block Grant (CDBG), including the Housing Rehabilitation Program. Patricia Mullins from Berkshire Regional Planning Commission provided the status and fielded questions on this grant program. She explained that this public hearing is in keeping with the grant requirements to have two public hearings for community involvement as set forth from HUD and Mass Dept. of Community Development. The other public hearing occurred prior to the grant, and this public hearing is required to happen while the grant is being implemented. The town received \$600,000 grant funding for twenty housing rehabilitation projects. She indicated that there is a \$40,000 cap on individual projects. Bidding has been completed on sixteen projects, and construction is underway or recently started on those projects. To date, \$356,272.03 of the \$600,000 has been committed. Patricia indicated that there is a long waiting list. The grant implementation period ends on December 31, 2018. Patricia advised it not unusual for municipalities to request extensions. She described the process which entails reviewing applications to determine income eligibility and contractors must be pre-qualified. She explained that due to that very few contractors bid on the projects, it will not be possible to complete the grant activities by December 31, 2018 (the ending date of the original implementation period) and she asked if the BOS would agree to request an extension. Patricia anticipates that with use of the CDBG funds, 20 projects will

be completed. The town also committed CPA funds for use of project overruns when the condition of a home is so severe that supplementation is needed. To date, \$20,000 of CPA funds has been spent on this project. Due to the needs in the community, she will suggest that the town consider applying for additional CDBG funding after this grant is completed (not this year since applications are due in March), and perhaps the town would make septic and well a higher priority the next time around. Michael moved to extend the CDBG grant until June 30, 2019. Nicole seconded. Motion carried unanimously. Patricia emphasized that due to the onerous processing requirements to obtain approval and hire contractors for the projects, this grant is not designed as an emergency resource. She explained that it is a complicated process and the home must meet other building code requirements before approval of a grant would be considered. For example, a leaky roof would not be approved on a home that has a weak foundation. Michael moved to adjourn the hearing. Nicole seconded. Motion carried unanimously. At 7:15 p.m. Bill closed the hearing.

4. Patricia Mullins, Berkshire Regional Planning Commission, to respond to letter dated 11-7-18 from Mass. Dept. of Housing & Community Development re: Monitoring Report FY2017 Community Development Fund I (CDFI) Grant #790

Patricia Mullins discussed the above captioned communication. She indicated that the grant process involves routine monitoring. She has been in communication with the Department of Housing & Community Development. In the past, monitoring had been done after the grants were closed. HUD was not satisfied with doing after the fact monitoring and changed this procedure to occur during the life of the grant so that any problems could be remedied while the work was performed. BRPC will take the following actions to address concerns in the implementation of the grant program. Patricia indicated that no deficiencies of a financial nature were brought up.

- BRPC will collect additional direct source documentation/cross referencing to determine income eligibility. Patricia assured the BOS that all homeowners receiving services were income eligible and that even DHCD did not doubt that all those signed up were income eligible.
- BRPC will use independent vendors/labs to test lead paint and report it to a state system. This will add to the costs.
- BRPC will use a more comprehensive check list re: inspection documentation for all home owners regardless if there are problems or not.
- BRPC will provide agreements with the homeowners outlining that they are borrowing money from the Town of Becket (There will be a lien issued against the property – 0 percent interest deferred payment. The loan will be forgiven after 15 years if the property does not change ownership.)
- Patricia will submit a written response to the letter after she collects the required homeowner documentation.

5. Town Clerk George Roberts to address the Board of Selectmen re: on-going issues between the Board of Selectmen and Town Clerk.

The Town Clerk had sent notification that he would not be able to attend tonight's meeting.

6. Approval of Minutes

Michael moved to approve the minutes for the November 7, 2018 meeting. Nicole seconded. Motion carried unanimously.

7. 8:00 p.m. Board of Assessors Tax Classification Hearing

At 8 p.m. Bill read the public hearing notice and 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 2019. Board of Assessors Member Geri Walters, and Regional Resource Group Consultant Jeff Reynolds were in attendance. Jeff Reynolds presented, fielded questions, 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. Bill moved that the Becket Board of Selectmen votes in accordance with MGL 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 2019 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 \$11.07) by the Massachusetts Department of Revenue. Michael seconded. Motion carried unanimously. Nicole made a motion to close the hearing. Michael seconded. At 8:12 p.m., Bill closed the hearing. Bob Markel stated that the town departments had functioned very effectively this year with filing of documents including the Schedule A and now the tax recap. He praised the Assessors, Town Accountant and Town Treasurer for all doing their jobs in a timely manner.

8. Board to consider License Renewals for the following: Dreamaway Inc. (d/b/a Dream Away Lodge) for an Annual All Alcoholic Restaurant license, a Common Victuallers license, a Six Day Entertainment license, and a Sunday Entertainment license; M.D.A. Inc. (d/b/a Berkshire Berries) for an Annual All Alcoholic Restaurant license, an Annual Wine & Malt Package Store license, and a Common Victuallers license; Mountain Grove Association Inc. for an Annual All Alcoholic Club license, a Common Victuallers license, a Six-Day Entertainment license, and an Automatic Amusement license; Sherwood Shoppe of Becket LLC for an Annual All Alcoholic 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 Inc. for an Annual All Alcoholic Package Store license, an Annual All Alcoholic Restaurant license, a Six Day Entertainment license, a Sunday Entertainment license and a Common Victuallers license

Bill read the above captioned list of licenses under consideration for renewal. Beverly provided a chart that indicated that all license holders satisfied the town's requirements for renewal. Michael moved to approve the licenses as read by the chair and identified on the chart. Nicole seconded. Motion carried unanimously.

9. Alcoholic Beverages Control Commission Matters:

Seasonal Population

Renewal Certification

Michael made a motion to declare the town's estimated seasonal population effective July 2019 as 9,000. Nicole seconded. Motion carried unanimously.

The Board of Selectmen signed the Alcoholic Beverages Control Commission's renewal certification 2019 form that lists KMS Inc. (d/b/a Becket Country Store, 609 Main Street) who failed to renew.

10. Update on Becket Athenaeum's Septic System

Bob Gross indicated that the inspection of the Mullen House septic system has been postponed until spring. The Board of Library Trustees anticipate initiating a conservation with the Board of Selectmen about a shared well (Becket Arts Center, Mullen House and Athenaeum) over the next couple of months. Bob Gross stated that KP Law's letter stated that the Board of Selectmen has the authority to enter into an agreement with the Becket Athenaeum for tying into the septic system, the Board of Health must sign-off on the agreement, and it has to go before the town for a vote. Bob Gross recommended adding this matter to the Town Meeting Warrant.

11. Broadband Update

Bob Gross, MLP Manager provided the following Broadband update:

Dec. 10th: The design should be finished. This will include the information for the remaining three FSAs. The Broadband Ad Hoc group will review the budget line by line.

Dec. 17th: The Broadband Ad Hoc group will meet with Westfield Gas & Electric to review the budget.

Jan. 7th: The Broadband Ad Hoc group will meet with Westfield Gas & Electric and Bill Ennen to discuss make-ready. Bill Ennen will clarify items the state will reimburse, items the town pays for, and items the state may or may not necessarily reimburse.

Given the potential areas of savings the Broadband Ad Hoc group has identified, including placing a HUT in the Town Hall building, we may be able to have a town-owned network without any additional funding needed. It may be a good idea to ask for additional funding at the Special Town Meeting in order to change the subsidy that will be offered and there may be some savings that we may want to remove from the list. Once the numbers are finalized, these issues may be discussed with the Board of Selectmen at a meeting during the next few weeks.

Dan asked if we have a budget that does not require additional debt, can the Board of Selectmen make a decision regarding Matrix. Dan suggested having an alternative budget if the town does not want to take on additional debt. He also mentioned that in the interest of long-term viability of the broadband project, consideration should be given for offering additional subsidies to encourage take-rates.

Jeremy suggested that the BOS should review and affirm or change their Broadband Policy (addresses long driveways, underground utilities, etc.) and perhaps this may be discussed at an upcoming working meeting with the Broadband Ad Hoc Group. Dan pointed out that if the make-ready costs come down from the original estimates, it may reduce the town's subsidy credit that the town would issue to private associations with underground utilities, and this would increase the amounts that the private associations would have to spend. The town may want to vote to help the private associations achieve broadband. Bill stated that he would not be ready to vote until he receives more information relating to the details of the budget.

Jeremy indicated that Bill Ennen facilitated permission from MassDOT for the town to use the existing state highway department conduit (which is an ample size and has extra space) located at the Werden Road and Johnson Road Bridges for wiring that will cross over the turnpike. This will save on the cost. The town will only pay for engineering costs relating to that piece.

The BOS and Broadband Ad Hoc group will meet at 1 p.m. on Friday, December 28, 2018. The Broadband Ad Hoc will provide a list of proposed agenda items for that working meeting.

12. BOS to review and to consider approving Tax Bill Stuffer(s)

The Board of Selectmen did not receive any new tax bill stuffers.

13. Discussion and possible vote on decisions relating to the Route 20 Spring

Bob Markel reported that the DEP in Springfield advised that they are not automatically opposed to delegating operation of the Route 20 Spring to a non-governmental entity. DEP would need to review the circumstances and decide based on a presentation. Gale Kusek indicated that due to insufficient enrollment, the water operator course she intends to attend has been rescheduled for February in Northfield. The Board of Selectmen received a Citizen's Petition for a proposed Warrant Article for the Special Town Meeting to fund the Route 20 Spring. The Town Clerk is not able to certify the signatures until he has a Town Meeting date.

14. Discussion and possible vote re: Special Town Meeting Date and Warrant Articles

Bob Markel stated that on November 7, 2018, the Selectmen asked Beverly and Bob to check on January 22nd for the availability of the school, Town Clerk and Moderator to attend a STM. The Town Clerk said January 22nd is not possible for him; He suggested that weekday nights are not good for him; He recommended Saturdays, or Mondays, Tuesdays or Wednesdays during the daytime. The Moderator said Saturdays are not good and he prefers weekdays. Bob stated that we are under pressure to amend our Green Community Zoning bylaw to enable us to apply for a new round of Green Communities Grant funding in February. Not amending our zoning code can cost the town \$240,000 (funding source for HVAC system at the Town Hall). Bob Markel indicated that according to MGL Chapter 41, Section 14, the Town Meeting can elect a temporary Moderator or a temporary Town Clerk, or both for the purpose of that town meeting only. Bob Markel stated that he knows of an individual on our staff who is an Assistant Town Clerk in another municipality. Bill stated that the temporary Town Clerk does not need to be a registered voter or a resident in Becket. Michael moved to schedule the Special Town Meeting at 7 p.m. on January 22, 2019 at the Becket Washington School. Nicole seconded. Motion carried unanimously. The Town Clerk and Moderator will be contacted and invited to serve at the STM. The warrant will include articles on Broadband, Route 20 Spring petition, Solar Bylaw, and perhaps several financial-related. Bob will create a draft warrant for BOS review on December 19th.

15. BOS to consider whether the construction of a portion of a septic system within the limits of Depot Street will interfere with the right of the public to the enjoyment of its easement in said street, and possibly vote to approve submitting a Special Town Meeting Warrant Article to request an easement to allow the grading, including construction of up to a 4' stone retaining wall, that extends approximately 9 feet into the town's right of way, and which extends no closer than 9 feet to the northerly edge of the existing paved traveled surface, and which spans not more than 50 feet in length, as shown on Accord

Engineering & Surveying, LLC's proposed sewage disposal plan dated 10-31-18 prepared for Jane L. LaMontagne's property located at 72 Depot Street, Becket.

The Highway Superintendent, Board of Selectmen, and Jayne Smith discussed if it would make sense for the BOS to consider whether the construction of a portion of a septic system within the limits of Depot Street will interfere with the right of the public to the enjoyment of its easement in said street, and possibly vote to approve submitting a Special Town Meeting Warrant Article to request an easement to allow the grading, including construction of up to a 4' stone retaining wall, that extends approximately 9 feet into the town's right of way, and which extends no closer than 9 feet to the northerly edge of the existing paved traveled surface, and which spans not more than 50 feet in length, as shown on Accord Engineering & Surveying, LLC's proposed sewage disposal plan dated 10-31-18 prepared for Jane L. LaMontagne's property located at 72 Depot Street, Becket. Bill and Chris reported on their site visit at this property. They agree that the parcel's attributes for 72 Depot Street prevent viable options (except for a tight tank septic system) for construction of a septic system, and they specified that it is their assessment that an easement to allow for grading and for a retaining wall would not inconvenience the town. If an easement is not granted, the home would likely need to be demolished. Based on the engineer's presentation and Highway Superintendent's recommendation, Michael moved to add a Special Town Meeting warrant article to request an easement to support the planning and construction of a septic system for 72 Depot Street on the town right of way. Nicole seconded. Motion carried unanimously. Beverly will ask the engineer to provide the language for the warrant article and the Selectmen (Bob Markel) will forward the language for Town Counsel's review.

16. Departmental Reports:

Volunteer Fire Dept. – October 2018

Ambulance Dept. – October 2018 & November 2018

The BOS reviewed the above captioned reports.

17. Board of Selectmen to review the Ambulance Director's listing of open accounts payable items, and his recommended actions.

After discussion ensued with Ambulance Director Ray Ferrin, Michael moved to accept the Ambulance Director's report and approve his recommendations with respect to collections and write-offs of Ambulance Department's unpaid invoices that were issued to those who had received the town's ambulance services. Nicole seconded. Motion carried. Ray will forward the report to the Town Accountant.

18. Town Administrator Recruitment Update

Al Blake, member of the Town Administrator Screening Committee, indicated that the Town Administrator Screening Committee will conduct four interviews tomorrow night. The BOS indicated it is available to interview finalists on December 11th at 6 p.m.

19. Fiscal Year 2020 Budget Discussion

Bob stated that most departments have submitted their budgets and he anticipates providing a draft budget to the BOS during the third week in January. Bob awaits local aid figures from the governor's office which should be received prior to that. The town's health insurer, MIIA, had advised there will be no premium increase during Fiscal Year 2020. Bob had asked the town departments to provide level funded budgets except for uncontrollable increases (for instance, electricity). Bob indicated that wages will be level-funded and during the budget

process, the Board of Selectmen may determine whether the town can afford cost of living wage increases.

20. Board of Selectmen's Comments and Announcements

Nicole and Michael inquired about the status of the auction. Bob indicated that the town is ready to go to auction. It is anticipated that Sullivan & Sullivan will schedule the auction to occur in January. The town will establish a deadline for payment, and bidders must pre-qualify beforehand.

21. Town Administrator's Report

The **Green Communities Annual Report** was filed on December 3rd and he submitted an amended version today. The report is required in order to permit the Town to be eligible to apply for a new round of DOER Green Energy Grant funding. In the process of compiling the report, he updated the Mass Energy Insight database which will be easy for the future Town Administrator to maintain.

Ambulance Director Ray Ferrin provided an update on the **Johnson Road Repeater Project**: Ray had received the lease agreement from American Tower. He originally thought this project would have 4 antennas (Highway Department, Fire Department, Ambulance, & Police Department). The equipment, provided by the Berkshire County Sheriff's department only included equipment for 3 antennas (Fire, Police & Ambulance) and a microwave dish (required for our repeater system). Bill stated that when he originally met with the former owner of the tower, plus Motorola (installs equipment) and the Sheriff's Department he had made it clear that the town expected 4 antennas. Ray relayed the costs for a ten year lease:

- ◇ \$1,600 monthly cost increasing by 3 percent each year (3 antennas)
- ◇ \$1,000 monthly cost increasing by 3 percent each year (Highway Dept. Antenna)
- ◇ One time cost of the Highway Dept. equipment to be determined (Ray requested a quote)
- ◇ \$ 750 one-time initial inspection fee
- ◇ \$1,500 annual inspection fee increasing by 3 percent each year

Ray stated that to save on long-term costs, the town may want to consider building its own tower. Bill stated that the town may want to explore placing communication equipment on town-owned property. Nicole suggested that the town may generate income by renting space on its tower. Bob Gross will ask Westfield Gas & Electric if they have any options for communication towers. Ray will convey to Jeremiah of American Tower that the Board of Selectmen is very concerned about the cost.

Bob Markel indicated that **Jan Elovirta resigned from the Community Preservation Committee**. Michael moved to accept Jan Elovirta's resignation from the Community Preservation Committee, with regret. Nicole seconded. Motion carried unanimously. The BOS will send Jan a letter of appreciation for your service.

Demolitions: 95 Greenbrook Lane; 81 Black Arrow Way and 114 Black Arrow demolitions are underway and will be completed over the next two weeks.

Bids were received for the last Green Communities projects and for the Town funded Fire station #1 furnaces. Per Al Blake's suggestion, Bob will obtain estimates for air source heat pump systems.

New Telephone System was installed on November 11.

Library septic system: Bob sent multiple reminder messages to Town Counsel Joel Bard: we need a written opinion on the authority of the Board of Selectmen to authorize septic system sharing. Bob Markel and Bob Gross indicated that Town Counsel often does not promptly return phone calls and has a poor response time to inquiries. Bob Markel suggested that the town may wish to consider shopping around for another Town Counsel and perhaps enter into a contract with a new law firm effective July 1st.

Bob advised on upcoming Selectmen and Finance Committee **meeting** dates.

22. Public Input

Jayne Smith, Health Agent for the Board of Health, and Laurel Burgwardt, member of the Board of Health came before the BOS for two purposes:

1. There is a matching grant available through the Attorney General's Office to towns for up to \$25,000 for removal of abandoned housing and restoration of the site.
2. Before a home transfers its title, unless the transfer involves a child/parent relationship, DEP regulations mandate completion of a Title 5 Septic System Inspection. The Assessors provide monthly copies of quitclaim deeds (transfers) to the Board of Health who determines which homes obtain Title 5 inspections. In Becket (and countywide), there has been a misconception that cash sales are exempt from Title 5 inspections. Normally banks will not process a loan unless the Title 5 is done. In 2018 there were 40 Becket homes sold for cash that also did not obtain Title 5 inspections. The Board of Health will send forty letters of non-compliance to those who appear to require Title 5 inspections. The letter will include a form that may be submitted to the Board of Health if the new home owner qualifies for an exemption. The Board of Health will try to educate realtors and attorneys involved with sales of those not in compliance. They will provide a grace period (until July 1st) to comply with the regulations. Jayne expressed sympathy for the new homeowners in this situation; the old homeowners should have conducted these inspections.

Bob Gross requested that the special town meeting will include a warrant article on authorizing the BOS to enter into an agreement with the Becket Athenaeum to share a septic and/or well.

Al Blake stated he is not certain the Town Clerk has submitted the amended zoning bylaws (Solar and Marijuana) passed at the 2018 ATM to the Attorney General's office. He requested that the amended zoning bylaws be posted on the town website and he suggested that since this is a clerical function, he does not think the Town Clerk has to be the one to forward them to the website for posting. He indicated that although there is a possibility that the Attorney General does not approve them, they become effective and the town enforces them upon approval at Town Meeting. Nicole suggested talking to the Town Clerk before posting the bylaws on the website and that if they are posted, the bylaws may be accompanied with a disclaimer indicating the Attorney General has not yet approved them. Bob Markel will inquire with the Town Clerk.

Al mentioned that he sent a copy of his suggestions for improvements to the Transfer Station (paper and cardboard recycling compressor – possibly by grant), and plastic recycling should

not require climbing steps to access. Bill stated that he forwarded Al's communication to the Transfer Station Manager.

23. Any other business to come before the Board

None.

24. Correspondence

- **Planning Board Notice of Public Hearing scheduled on 12-12-18 re: Special Permit Application submitted by Jeanette Thomas & John Kozinski re: installation of a 10' stockade fence between 3425 Main St. and 3417 Main St.**
- **Alcoholic Beverages Control Commission letter dated 11-15-18 re: KMS INC. dba Becket Country Store**
- **MassDOT letter dated 11-27-18 re: 09-10-18 Bridge Inspection (Bancroft Rd. W. Br Westfield R) report dated 09-10-18**

The BOS reviewed the above listed correspondences.

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25. BOS to review and sign payable warrants

The BOS reviewed and signed the payable warrants.

26. BOS to adjourn the meeting

Michael moved to adjourn. Nicole seconded. At 10:03 p.m., Bill adjourned the meeting.

Date Approved: 12-19-18

Respectfully submitted,
Beverly Gilbert, Secretary



William Elovirta, Chairperson

Documents discussed at this meeting:

- Board of Health letter of Non-Compliance and order (Jayne Smith, Health Agent)
- Guidance on Exemptions from Title 5 Systems Inspections for Certain Inter-family Transfer of Residential Property (Dept. of Environmental Protection)
- Becket Board of Health Title 5 Transfer Checklist
- Broadband Informational Session in January Tax Stuffer
- Fiscal Year 2019 Tax Classification Hearing Handout
- 2019 Seasonal Population Increase Estimation Form – ABCC
- Renewal Certification 2019 form – ABCC
- Massachusetts Department of Revenue Classification Tax Allocation Fiscal Year 2019 with attached Classification Tax Allocation Fiscal Year 2019
- Notice of Public Hearing – Community Development Block Grant
- letter dated 11-7-18 from Mass. Dept. of Housing & Community Development re: Monitoring Report FY2017 Community Development Fund I (CDFI) Grant #790
- Notice of Public Hearing – Tax Classification
- E-mail dated 12-4-2-18 from Town Clerk stating he is not able to attend the meeting.

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- Matrix re: License Renewals for Operation during 2019
- November 7, 2018 Board of Selectmen Meeting minutes
- Warrant Article Request from Becket Cares, Inc. re: funding Route 20 Spring
- E-mail from Alexander R. Thorp dated 11-30-18 & 11-09-18 (with attached plan) re: 72 Depot Street.
- Ambulance Director Ray Ferrin Cumulative Request for Disposition Report dated 12-4-18
- Departmental Reports – as listed above
- Correspondence – as listed above
- Town Administrator’s report dated 12-5-18