

**Town of Becket**  
**Board of Selectmen's Working Meeting**  
**December 15, 2016**  
**1:00 p.m.**  
**Town Hall - Becket Room**  
**557 Main Street, Becket**

**Attendees:**

Board of Selectmen: William Elovirta, *Chairperson*; Jeanne Pryor, *Vice Chairperson*;  
Nicole Ledoux, *Clerk*

Staff: Ed Gibson -Town Administrator, Beverly Gilbert - Recording  
Secretary

Others: Jeremy Dunn, Mercedes Gallagher, Rodney Logan

**Call to order**

At 1:06 p.m. Bill called the working meeting to order. He stated that the meeting is being held in accordance with the Open Meeting Law and Guidelines for the Becket Board of Selectmen Meetings.

Bill asked if anyone was recording the meeting. The Board of Selectmen was recording the meeting.

**Discussion of Ipswich Pharmaceutical Associates, Inc.'s proposed Draft Host Agreement**

Ed gave the BOS a copy of an email addressed to Town Counsel (KP Law) listing his concerns and comments re: a draft host community agreement (HCA) Ipswich Pharmaceutical Associates (IPA) submitted to the town, and a copy of IPA's draft HCA with KP Law's comments.

Ed reported that although the sale of 2299 Main Street (the location specified at the BOS Public Hearing dated 12/7/2016) to IPA will not occur, Joe McCarthy indicated that he remains committed to locating a medical marijuana cultivation business in Becket. In the future, Joe will arrange for a purchase & sale or lease agreement through the buyer and seller's attorneys rather than the realtors. To be proactive, Ed recommended continuing the review of the proposed draft agreement with the idea that the location will be specified. Bill stated that before the BOS will schedule another public hearing for a letter of non-opposition, IPA must produce a purchase & sale, or lease agreement.

The Board reviewed Town Counsel's comments.

Comment A1: The BOS agreed to change the term from RMD (Registered Marijuana Dispensary) to CPF (Cultivation Processing Facility). Although processing will not occur, the state has not designated terminology to reflect cultivation only.

Comment A2: The BOS agreed with the attorney's comments and will add, "The CPF shall not engage in the cultivation processing and sale of marijuana for recreational purposes, without the prior consent of the town."

Comment A3: If activities other than cultivation is planned, the BOS will revisit adding language to restrict the production of items that resemble or are in the form of candy, such as lollipops, gummy bears, jelly beans or similar products.

Comment A4: The BOS would like a provision that ensures that IPA does not offer more beneficial terms to other communities.

Comment A5: Ed will ask Town Counsel to clarify the intent of this comment (“Should the word TOWN at the end be changed to “Ipswich”? Are they referring to the status of their proposed Ipswich facility?”).

Comment A6: Ed indicated that a discussion had occurred with Joe McCarthy about the possibility of paying \$2,500 to the Police Department and Porchlight for educational programs. They may pay a \$2,500 administrative fee for scheduling police security details. Ed indicated that in a perfect world profits from Police Department detail belong in the general fund. However, sometimes profits on details are not submitted to the general fund if funding is needed to cover shortages resulting from a business’s non-payment of the town’s detail services. The BOS indicated they would like to see the Board of Health create or arrange to have educational programs which would be funded through the host agreement.

A7: Ed stated that he recommends requiring a minimum required dollar amount of the gift (possibly \$50,000) to offset the cost of town’s services.

A8: The BOS would like the agreement to state that the HCA is only for a CPF authorized to process and cultivate marijuana for medical and education use, this amount would not include proceeds from recreational marijuana sales unless the HCA was expanded to allow for the processing and cultivation of marijuana for recreational purposes. Discussion ensued about tracking the marijuana product. During IPA’s presentation at the 12/7/2016 Public Hearing, Joe McCarthy indicated that IPA will use BioTrack to account for the marijuana produced. Jeremy Dunn suggested that it might be simpler to calculate IPA’s host agreement fee based on a percentage of the quantity of product produced in Becket rather than a percentage of sales of the product produced in Becket.

A9: The BOS do not favor instituting a cap on gift to the town with respect to the calculation of the percentage of gross sales.

A10: Ed will ask Town Counsel what he has seen in other host agreements in order to address this point (which sales derived from products cultivated or produced at the CPF in Town for purposes of calculating the Annual Payments).

A11: BOS agreed with Town Counsel’s recommendation to strike and replace the language about deferring payments to the Town.

A12: The BOS agreed with Town Counsel’s recommendation to strike this language because it is redundant.

A13: The BOS agree that there should be language stating that IPA would need to renegotiate and receive permission if it wanted to sell recreational marijuana products grown in Becket.

A14: This further validates why the BOS want to leave the word recreational out of the equation because laws are still being developed and agreements created now relating to recreational marijuana may be unenforceable.

A15: The BOS agreed that the operator information must be confirmed.

A16: The BOS initially agreed that the contract should remain in place for the life of the CPF (not RMD erroneously written in comment). Nicole pointed out that marijuana is a fairly new industry and unchartered territory for the Town of Becket (and IPA too) and what if things change in the future and the town wants to alter the agreement. Ed will ask Town Counsel although we want the agreement to be for life, would it make sense to provide that either party may request to reopen the agreement and if so, for what length of time would each party be obligated to honor the agreement before revisiting.

A17: It is just a reminder about the Public Record's law.

Bill noted that the agreement should say Town Administrator, not Town Manager.

#### **Discussion and possible vote on Street Acceptance Procedures**

Because Town Counsel had not yet replied to the BOS's questions and comments, the BOS postponed discussion.

#### **Exploration of the possibility of opening a new Turnpike Exit**

Rodney Logan identified himself as a member of the Board of the Indian Lakes Association and he stated that the Indian Lakes Community would be negatively inclined to embrace the idea of opening a new turnpike exit by Algeria Road.

Bill stated that speaking as a person who travels several times a month to Boston, he would welcome the addition of a **car only** Mass 90 Turnpike exit/entrance in the Becket area to eliminate the extra driving time required to access the highway from the Lee or Westfield exits/entrances. A discussion ensued. It was emphasized that the BOS would not consider an entrance/exit that allows trucks.

Jeremy Dunn suggested that the BOS may consider contacting the Berkshire Regional Planning Commission to review its extensive study (which had occurred over a decade ago and included public hearings, traffic counts) that analyzed the potential for adding Mass. 90 Turnpike exists in various towns in the Berkshires. Jeremy's recollection is that there was opposition to additional exits due to fear that the changes would 1) increase truck traffic, and 2) yield an influx of bedroom communities (shorter commute from the Berkshires to the Springfield area for employment).

Mercedes expressed concern about how the addition of an entrance/exit to the MassPike may impact the environment as well as the character of the area. She stated that this would be of concern to the Wild and Scenic Westfield River Committee.

After discussion it was decided that the Town Administrator will send a letter to Representative Smitty Pignatelli to ask him to informally inquire if MassDOT would consider revisiting exploration of placement of east and westbound exits to Mass90 in the Becket area. Unlike the last time (approximately 12 years ago) when the state had public hearings about creating Mass 90 exits in the Becket vicinity, the Town of Becket is interested in car-only (we strongly do not want truck traffic) access. Bill stated that the cost for building exits designed for cars-only is more economical now that the state switched to electronic collections only methods without toll booths.

### **Letter to State Representative and Senator to request revisions to the Commercial Marijuana Law**

Bill moved to send a letter to Senator Downing and Representative Pignatelli (Jeanne composed) regarding Question 4 (legalization of the recreational use of Marijuana). Jeanne seconded. Motion carried unanimously.

### **Discussion of Public Records Law and Assignment of Public Records Access Officers**

At the recommendation of Ed Gibson, Jeanne made a motion to appoint Town Secretary Beverly Gilbert as the Records Access Officer for requests other than Town Clerk specific records. Bill seconded. Motion carried unanimously.

Jeanne made a motion to appoint the Town Clerk the Records Access Officer for Town Clerk specific records. Bill seconded. Motion carried unanimously.

The BOS discussed changes to the Public Records law, what constitutes a public records request, and documenting/tracking the requests. Ed will schedule a meeting to inform the staff about the public records law responsibilities. The new law requires that municipalities post guidelines (Records Access Officer contact information and category of records, and how to make requests) by 7/1/2017.

### **FY18 Budget**

- **Town of Washington's Contribution to town for use of the public beach and mutual aid (Fire and Ambulance)**
- **Review of Library Budget**

Currently, the Town of Washington contributes \$10,000 per year for fire service, and \$1,000 for use of the Town Beach. Bill indicated that these rates have not changed in years. Bill suggested that the town may want to consider instituting a fee increase structure similar to Berkshire County Communications' which has a base fee with an annual fixed percentage increase. Another option is to tie an annual increase to the consumer price index.

Ed suggested that it would be a good practice for the BOS to annually review expenses/salaries and any fees (sources of income) that fall under BOS jurisdiction and for the BOS to meet with the Town of Washington on an annual basis.

Ed and Bill will request to be on the agenda at a Town of Washington Selectmen's meeting to discuss the Town of Washington's contribution for mutual aid (Fire and Ambulance) and Use of the Town Beach. A discussion ensued about possible increases. Bill pointed out that even an increase in fees to \$30,000 would not cover a fraction of the cost that Becket must expend on equipment/vehicles for the Fire and Ambulance Departments. The BOS stated that it is committed to helping the citizens of the Town of Washington, and is amenable to gradually increasing fees.

Ed reported that the YMCA Becket Chimney Corners Camp contacted him with an offer to absorb Becket's summer youth camp at its day camp location.

**Library Budget:** Ed will send the Becket Athenaeum Director Kathy DeFoe a letter requesting an annual report, and information (including dollar amounts) about income & funding sources and contributions (including how much the Town of Washington contributes), statistics on the use of the library (Becket and Town of Washington) and costs. The BOS clarified that it is not interested in a report showing the dollar amounts of individual donations.

#### **Dog Bylaw / Warrant**

Ed provided a warrant for the BOS and had asked the Town Clerk to provide listings of the dog registrations for the past few years and copies of the rabies certificates. Ed will compare the list of rabies with the Town's registrations and then create a spreadsheet for the Animal Control Officer. Based on the BOS Warrant and Ed's listing, the ACO will patrol once a month to visit homes that the town suspects have unlicensed dogs.

Jeanne provided an update on the Bylaw Review Committee's work on updating the Dog Bylaw. It is challenging to keep up with the many changes in the laws.

#### **Discussion re: Quarterly Staff Meetings**

Bill initiated a discussion about staff meetings which may serve to keep employees abreast of what is happening in other departments, provide reminders about annual deadlines such as the health insurance open enrollment period, and provide updates relating to town or state policies and procedures. Ed will schedule quarterly department head meetings. Department heads include: Town Clerk, Town Administrator, Town Secretary, Collector, Full-time Assessor, Town Accountant, Treasurer, Building Inspector, Health Agent or Chairman of the Board of Health, Conservation Commission Agent, Police Chief, Fire Chief, Highway Superintendent, and Ambulance Director. Ed pointed out that while it is generally easy to coordinate a meeting with department heads who regularly work in the Town Hall, it is more challenging to arrange a meeting for department heads not housed in the Town Hall, and many employees have limited availability due to the nature of their work (public safety) or limited working hours.

#### **Any other business to come before the Board**

Jeanne reported that while at the Transfer Station, she observed that the Attendant neglected to check as a resident discarded three bags without bag stickers. Ed will address this matter. Jeanne moved to close the transfer station at 2 p.m. on December 24<sup>th</sup> and January 31<sup>st</sup>. Bill seconded. Motion carried unanimously. The town will post the holiday hours on the town

website and Country Journal, and will list on the Transfer Station portion of the town website. Ed contacted Christopher Bouchard to inform him about the holiday hours. The BOS agreed to pay the employees for eight hours on those two days. Due to an inquiry, Ed accessed the listing of Transfer Station permits issued and confirmed that every Highway Department employee or their spouse has a Transfer Station sticker.

Because Colleen O'Connor has moved out of town, she may no longer serve on the Planning Board. In order for the town to fill the vacancy, Ed will follow up that Colleen has submitted her resignation to the Town Clerk.

On behalf of the Bylaw Review Committee which is working on updating the Dog Control bylaw, Jeanne inquired if the dog officer has a micro-chip reader. Ed will look into the purchase of a microchip reader.

As a follow-up to a meeting Jeanne and Bob Gross (Broadband Ad Hoc Committee) had with Mr. Edward Farmam, Chair of Becket Woods, Jeanne composed a letter to the Becket Woods Road Maintenance District Prudential Committee to provide an update on the status of Broadband in Becket and so that this community will be aware of options regarding options for the fiber to the premises build as it relates to Becket Woods which has underground utilities. The BOS agreed with Ed's suggestion to send this letter to each member of the Prudential Committee. Jeanne moved to send a letter to the Becket Wood Roads Maintenance District Prudential Committee about the underground utility issue relating to broadband. Nicole seconded. Motion carried unanimously.

The Board of Selectmen signed a thank you letter to Chimney Corners YMCA & Outdoor Center for hosting the first responder and emergency personnel appreciation dinner.

Jeanne reported that a resident lodged a complaint about her neighbor who burns trash in either a pit or an outdoor stove. The resident had contacted the police and Fire Department who referred her to the BOS. Jeanne had discussed this matter with the Building Inspector and noted that it was not a zoning issue. The BOS indicated that the resident must send a written complaint before the town will look at the property.

The BOS signed letters (one addressing the Senate members, and the other addressing the House members) to the Joint Committee on the Election Laws requesting that "Special Legislation" House #4756 for the Town of Becket be expedited. This special legislation is needed to ratify a bond authorization (for broadband) the town passed at the 5/9/2015 ATM.

Bev is seeking ideas for the 2016 annual town report cover.

Lower Bonny Rigg Hill Road closure will be extended. Ed will send notifications about the new anticipated completion date.

The BOS agreed with Ed's suggestion to hire a contractor (cost \$2,100) to provide preliminary design options to remedy chronic wintertime flooding on the ambulance garage floor. Because

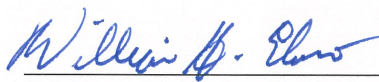
the floor is level with the doorway to the ambulance office, this problem, if not addressed, may cause mold.

Bill and Ed provided an update on 30 Washington Street, where the Becket General Store used to be located. The owner of 30 Washington Street intends to operate a store called The Olde Village Market and had posted a sign with the new name. Until building code issues are resolved, an upstairs' tenant will not be permitted. The Board of Health is providing a provisional license to operate until 6/1/2017 on the condition that the septic system is pumped monthly. Although the original deadline for replacing the septic system has passed, because the building was vacant, the Board of Health granted an extension. To date, The Olde Village Market has not applied for a Common Victualler's license.

**Motion to adjourn:**

Jeanne moved to adjourn. Nicole seconded. Motion carried. At 4:16 p.m., Bill adjourned the meeting.

Respectfully submitted,  
Beverly Gilbert, Secretary

  
William Elovirta, Chairperson

**Documents discussed at the meeting:**

- Ipswich Pharmaceutical Associates, Inc.'s draft Community Host Agreement, Town Administrator's Comments, and Town Counsel's comments
- 12/15/2016 letter from BOS to Becket Woods Road and Maintenance District re: Broadband Update
- 12/15/2016 Letter from BOS to State Representative and Senator to request revisions to the Commercial Marijuana Law
- Warrant for Animal Control Officer
- 12/15/2016 Letter from BOS letters (one addressing the Senate members, and the other addressing the House members) to the Joint Committee on the Election Laws requesting that "Special Legislation" House #4756 for the Town of Becket be expedited
- 12/15/2016 Thank you letter to YMCA for hosting public safety worker dinner