

SELECT BOARD MEETING MINUTES

7:00pm, August 18, 2021

Town Hall, 557 Main Street, Becket

Attendees

Select Board (SB): William Elovirta (BE), *Chair*; Chris Swindlehurst (CS), *Vice Chair*; Michael Lavery (ML), *Clerk*

Staff: William Caldwell (BC), *Town Administrator*; Beverly Gilbert (BG), *Administrative Assistant*; Edward Pickert, *Highway Superintendent*

Others: MLP Manager Bob Gross, Planning Board Members Bob Ronzio, Ann Krawet & Al Blake; Yana Deluca, Joe Deluca, Tim Deluca, Bernadine Powers, Beverly Horton, Daniel Elser Sr., Michael Caroprezio, Pamela Caroprezio, Tommie Hutto Blake, Jeanne Morano, Julia Maynard, Allen Bassen, Christopher Milenkevich, William R. Hartwell, Robin Mathiesen, Kris Massini, Jean Daigle, N. Likhtik

1. Call to order

BE called the meeting to order at 7:00pm. He indicated that the SB was recording the meeting.

2. Pledge of Allegiance

BE led the Pledge of Allegiance.

3. Broadband Update and Select Board to discuss and possibly vote on policies and decisions relating to the Broadband Project

MLP Manager Bob Gross provided tonight's update. The Broadband Ad Hoc Group agreed with WiredWest's recommendation to build redundancy into our system to enable users to access a signal in another direction during power outages or when other problems arise. 125 premises are connected and users are very happy with the service. Whip City Fiber has been mostly responsive to concerns, and the Broadband Ad Hoc Group continues to work together with WCF to improve communication. Service is now available in FSAs 01 and 02. FSA 05 and 09 are under construction. Construction of FSA 08 is expected to begin in October.

4. Approval of the July 21, 2021 Meeting Minutes

ML moved to approve the August 4, 2021 minutes, CS 2nd: Vote: 3-0.

5. Public Input (limited to 3 minutes per person, 20 minutes total for this agenda item).

Al Blake complimented the new Esau's Heel Trail funded through the town's CPC and suggested that the Parks & Recreation Committee maintain it based on that it is in keeping with their mission under the town bylaws. BE indicated that due to that the Parks & Recreation Committee currently lacks a sufficient number of volunteers, it would not be plausible to increase their workload. BC specified that the town's Building & Grounds Custodian has included this to his roadside mowing areas.

6. Discussion/potential vote on Town of Becket and Grow Boys, LLC Host Community Agreement in conjunction with a licensed Tier 2 Marijuana Cultivation Establishment (indoor cultivation, processing, packaging and transfer of Marijuana for adult use) at 0 Tanglewood Circle, Becket

BE described the sequencing of the process for approving the above captioned facility. He explained that the purpose of tonight's meeting is not for permit approval which had already occurred through the Planning Board. Bob Ronzio, Chair of the Planning Board, outlined the permitting notification procedures the Planning Board adhered to when they considered and voted to approve the permit for the above captioned facility. Later on in the meeting, ML reiterated BE's sentiments that this agenda item is to review the financial document, not for approval. Bob Ronzio confirmed that the deeds affiliated with the above captioned property did not prohibit commercial use and therefore the Planning Board's permit is valid. The SB Chair allowed for members of the public to voice their objections and concerns about the creation of a Tier 2 Marijuana Cultivation Establishment (indoor cultivation, processing, packaging and transfer of Marijuana for adult use) at 0 Tanglewood Circle, Becket. The SB had received e-mail communications (listed on the last page of these minutes). Comments/worries included:

- Potential for odor/particles wafting onto their property, potential health hazard.
- noise
- Skepticism that Grow Boys, Inc. is financially sound and competent to properly operate
- Crime will increase
- Negative impact on real estate values, reduce town's property tax income
- The town's attraction to 2nd homeowners will decline
- Too close to homes: Not an appropriate venue for a neighborhood
- Traffic
- Impact on town resources
- The homeowners did not receive notification of changes to the covenants listed on the deeds when the properties transferred from the former owner/developer to the new owner/developer. The homeowners who are part of the development had purchased their properties with the understanding that the development would not allow commercial use. Bob Ronzio remarked that the covenants had been changed in the deeds to allow for installation of the Solar Arrays, a few years ago and the TOB approved this use.
- Although not legally required, the Planning Board should have treated homeowners in Huckleberry Lane as abutters. Bob Ronzio detailed the notification process: the Planning Board posted (Town Hall, Town of Becket website) and published legal notifications and mailed certified/return receipt notification to abutters within 300 feet in accordance with state requirements.
- The legal technicalities (Planning Board notification was not required for parcels over 300 feet of the facility coupled with that the property owners were not aware of the covenant change to allow commercial use) should not preclude the town from doing the right thing.
- The metal building is an eyesore
- Expansion of operations: Planning Board Member Al Blake responded that additional permits would be required.

BC stated that this agreement is for financial purposes, the area is zoned for the operations, and if the agreement is not approved, it would put the town in a poor position. BC and Bob Ronzio stated the town is a Right to Farm Community and there is nothing to prevent the owners from growing hemp which would be outdoors, requires no permits, and has extremely strong odors. BC indicated that the agreement must comply with state law which the legislatures may change. Bob Ronzio stated:

- Studies have showed that rather than decrease, property values near cannabis operations increase.
- Grow Boys explained how they were going to control odor.

ML moved to approve the agreement between Town of Becket and Grow Boys, LLC Host Community Agreement in conjunction with a licensed Tier 2 Marijuana Cultivation Establishment (indoor cultivation, processing, packaging and transfer of Marijuana for adult use) at 0 Tanglewood Circle, Becket. At the insistence of ML for the SB to follow Robert's Rules of Order for Meetings, BE 2nd followed by discussion. ML stated that he wishes to reiterate that this is a legal matter between the Town of Becket and Grows Boys, LLC, and this is where his vote is going, and this proposed operation is permitted and therefore legal and sanctioned by the Town and by the Commonwealth of Massachusetts. CS stated that his voting inclination is based on that homeowners who purchased their parcels within the development were not notified that the development changed its deeds to allow commercial use. CS acknowledges Bob Ronzio's comment that the SB should have attended and voiced concerns at the Public Hearing, but the SB did not, and he realizes if this motion does not pass, he is not sure they can get a license from the state without the agreement and it is possible the town may incur legal fees. BE then stated that his decision is influenced by the overwhelming opposition presented coupled by that he thinks the homeowners in the development were short-changed as they had purchased their property with the understanding that the development did not allow commercial buildings. The motion failed with ML voting in favor and CS and BE voting opposed.

7. Highway Superintendent to discuss Pavement Assessment

Highway Department Superintendent Edward Pickert discussed the Berkshire Regional Planning Commission's Road Condition Assessment Report. Ed stated that within 5 years, the first recommendation is to complete Yokum Pond Road. The report confirmed Ed's recommendation to prioritize Broker Hill Road, Carter Road, High Street (mill & fill) due to that they are in the worst condition. Ed discussed and fielded questions about various maintenance methods, materials, applications, costs, staffing (farming out vs. using the Highway Dept. Crew) and equipment.

Ed has plans to crack seal portions of Wade Inn and Bancroft Roads (1/2 to 3/4 mile total. The town budgeted for the 500 gallons crack seal it has on hand at an approximate cost of \$14,000). Ed explained that due to the machinery /training cost, it is more cost effective to farm this out. CS suggested increasing the crack seal budget.

Due to that state funding (Chapter 90) does not keep up with the town's maintenance needs, (the town does not have the full-time resident/employment threshold to

qualify for additional aid) the Select Board agreed (as previously suggested during the past few years by the Finance Committee), that the town needs to increase its road maintenance/repair budget.

Ed stated that he has a long list of roads negatively impacted by the recent storms. BE suggested looking into widening/paving some of the gravel roads. Ed explained that paved roads are less expensive to maintain than gravel roads. Discussion ensued. Ed stated that at least two employees everyday are working on gravel roads (digging ditches, grading, cleaning catch basins.) Ed stated that the Highway Dept. is behind on other projects (cutting brush, etc.).

CS distributed a picture of a clogged culvert on Surriner Road and initiated discussion about culvert maintenance. Ed reported that on Monday, REWC Land Management will be in Becket to clean many of Becket's catch basins. Ed described how REWC will use their line jetter. Ed mentioned that two days prior to the storm, the Highway Dept. had brought equipment to clean inlets and catch basins and were working to clean culverts located on Leonhardt Road. CS stated that culverts need to be cleaned out proactively.

8. SB discussion/vote to install stop signs at Wade-Inn Road/Cross Road & Wade Inn Road/Hopkins intersections.

BC advised that an official SB vote approving the above captioned stop signs was not found in the records of the Town Clerk's Office. Without such, enforcement could be successfully challenged. CS moved to install stop signs at Cross Road entering Wade Inn Road, Hopkins Lane entering Wade Inn Road, and Hopkins Lane entering Bancroft Road. BE 2nd: Vote: unanimous.

Based on the speed, curves, narrowness of the road, and to prevent accidents, the SB directed the Town Administrator to commence the process for applying for a Heavy Vehicle Exclusion with MassDOT for Wade Inn Road. Many truckers use Wade Inn Road to travel between Routes 20 and 8. The SB agreed to Ann Krawet's suggestion to consider placing a sign (non-enforceable) to discourage heavy vehicle traffic.

9. Select CS Board to acknowledge W. Katherine Hoak's resignation from the Historical Commission effective August 13, 2021

The SB signed a letter of appreciation to W. Katherine Hoak who tendered her resignation from the Historical Commission on August 13, 2021. Through the letter, the SB recognized Ms. Hoak's devotion toward organizing the Historical Commission's office, and performing other administrative tasks.

10. Select Board to review Departmental Reports

♦ Tba
None

11. Town Administrator's Report

Below is an update of several items that BC has been working on:

- Benton Hill – Preliminary plans draft complete to DER – included damage from the recent storm.
 - Final reimbursement submitted

- Final Design grant approved
 - Will work with BETA for final design
- Working on fiber connection to TH
- Received ARPA funds
 - Received Town funds – 89k
 - Received county funds – 166k
 - Funds to be used for Broadband
- Leonhardt Rd repair
- Pavement assessment
- MEMA
 - Met with MEMA and DOT Monday
 - Pre-disaster assessment
 - Looking to meet county threshold
 - Damage to nearly all roads
 - Damage estimate over \$1 million including the damage to Benton Hill culvert
 - County may receive declaration and potential for funding
 - Possibly may meet threshold for FEMA funding
- Community Compact Grant
 - Open Space and Recreation Plan (BRPC)
- MVP – Master Plan w/Climate resilience focus next year
- Broadband bonds signed
- Green communities wind turbine – BRPC is assisting with planning for locating a field at the Town Hall property.
- BC at MMPA meeting tomorrow
- Met with RJ re: placement of the AC components.
- The generator delivery is delayed until winter (shortage of chips). BC solicited 3 quotes, but only heard from one vendor.

12. **Select Board's Comments and Announcements**

ML reported that a group of concerned citizens/residents are visiting working hemp farms in Hinsdale and in CT to learn about how they operate and to ascertain if there are odors. ML indicated that under the circumstances, he will not participate.

13. **Any other business to come before the Board**

None.

14. **Correspondence:**

- ◆ 2021.08.05 Planning Board Notice of Public Hearing scheduled on August 31, 2021 re: Special Permit application submitted by John and Phyllis Hathaway to construct a new single story dwelling at 104 Alan A Dale Drive (Map 217, Lots 186 & 187)
- ◆ 2021.08.05 Planning Board Notice of Public Hearing scheduled on August, 31, 2021 re: Special Permit Application submitted by Tetra Hydra AgTek LLC to operate a Tier 11 marijuana cultivation facility at - 0 Quarry Road (Map 416, Lot 10.1)
- ◆ 2021.08.15, Bernadine Powers' e-mail with attached letter of opposition for the proposed Grow Boys, LLC marijuana facility to be located at Tanglewood Circle

The SB reviewed the above listed communication. Bernadine Power's e-mail and letter were reviewed under agenda item 6.

15. Select Board to review and sign payable warrants.

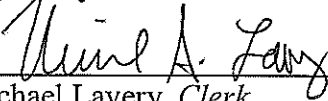
The SB reviewed and signed payable warrants.

16. Select Board to adjourn the Meeting

CS moved to adjourn, BE 2nd: Vote: 3-0. BE adjourned the meeting at 8:45pm

Respectfully submitted,
Beverly Gilbert, Administrative Assistant

Signed by:


Michael Lavery, Clerk

1 September 1, 2021
Date Approved

Documents discussed at this meeting:

- ✚ 2021.08.18 Select Board Agenda
- ✚ Agenda Item 4. Select Board Minutes – August 4, 2021 meeting
- ✚ Agenda Item 6. Draft Host Community Agreement between TOB and Grow Boys, LLC;
2021.08.18 e-mail attachments re: Tanglewood Circle (Middle Berkshire – 202/20 Perfect
Vision i2 Document detail report 8/16/2021 9:17:33am; Middle Berkshire – 202/20 Perfect
Vision i2 Document detail report 8/16/2021 9:17:32am) from Chris Swindlehurst
- ✚ Agenda Item 7. Berkshire Regional Planning Commission's Road Condition Assessment Report.
- ✚ Agenda Item 7. Photo of culvert on Surriner Road – submitted from Chris Swindlehurst
- ✚ Agenda Item 9. W. Katherine Hoak's e-mail notification she is resigning from the Historical
Commission; Select Board/Town Administrator's letter of appreciation to Ms. Hoak
- ✚ Agenda Item 6 emails:
 - 2021.08.17 Michael Lavery with attached links to Julia Kay Grace and Ann Spadafora's
letters to the Berkshire Eagle Editor
 - 2021.08.15, Bernadine Powers with attached letter
 - 2021.08.17 Jenna O'Brien
 - 2021.08.17 Katherine Barger
 - 2021.08.17 Christopher Milenkevich, Esq.
 - 2021.08.17, Offer Sharaby
 - 2021.08.17, Gavi Greenspan
 - 2021.08.17 Peter Adams
 - 2021.08.18 William Hartwell
 - 2021.08.18 Katya Likhtik
 - 2021.08.18 Jennie Clark
- ✚ Agenda Item 11. Town Administrator's Report
- ✚ Agenda Item 12 Correspondence – listed above