SELECT BOARD MEETING MINUTES
7:00pm, April 20, 2022
Town Hall, 557 Main Street, Becket

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

Staff: Mark Webber (MW), *Interim Town Administrator*; Beverly Gilbert (BG), *Administrative Assistant;*

Others: Bob Gross (MLP Manager), Jayne Williams, Bob Alarie

Others via Zoom: Shaw Israel Izikson (Editor of the Country Journal), Douglas Bessone, Michael Goodenough (Himalayan High, LLC), Laurie Friedman, Jeremy Keyes, Lei-Anne Ellis, Kathy Warden, Joseph Caron, Jon Kurowski, Adam Larson, Robin Mathiesen, Benjamin Zac (FFD Enterprises MA Inc dba Fine Fettle)

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

Pledge of Allegiance
BE led the Pledge of Allegiance.

7:05 pm Opening and review of sealed bids (Bid #22-01) for Shim and Overlay paving project on Brooker Hill Road and Carter Road. SB to consider voting to approve the bids.
BE announced that due to that it had come to light that there had been a discrepancy in the bidding process (not all bidders were notified about a modification to the specifications), the bid opening will not occur tonight. Per MW's recommendation, it was determined that all sealed bids will be returned unopened to the contractors. After MW confers with Massachusetts Department of Transportation District One Chapter 90, he will notify bidders about the process going forward. MW had advised to the SB that the worst case is that we will have to re-bid the project which would put us out approximately 4 weeks.

Broadband Update and Select Board to discuss and possibly vote on policies and decisions relating to the Broadband Project
MLP Manager Bob Gross provided the following Update:

- Per Bob's recommendation, BE signed a letter to Bill Ennen, Last Mile Liaison from the Executive Office of Housing & Economic Development, to affirm that Becket has paid all make ready costs and to formally request an additional $325,115.00 contribution from the Last Mile Contingency Fund. Bob has been in contact with Bill Ennen about this matter. After Bill Ennen receives the letter, he will process/coordinate the paperwork to arrange for town payment this fiscal year.
- Project Status: It is on schedule. Network construction is underway in Fiber Service Area (FSA) 7 (connections anticipated to begin end of May). FSA 06 is next (connections anticipated to begin in June).
- During a conversation Bob had with John Leary from Whip City Fiber (WCF) re: issues, he offered to arrange for WCF to conduct a Technical Session at Town Hall to field residents' questions. The Broadband Ad Hoc will schedule this event during the 3rd week in June. They hope many of the summer residents will have returned to Becket and can participate.
- The contract between WiredWest and WCF expires in September. They are negotiating renewal. Bob indicated the town's contract with WiredWest expires after WiredWest and WCF's contract is renewed. Bob regards this as an opportunity to consider whether the town wishes to continue its

arrangement with WiredWest since the town will not be encumbered by the current agreement between WiredWest and WCF.

- Bob arranged to repair a pole on County Road that a car had knocked down. Bob had requested a copy of Becket's police accident report so that he can file an insurance claim.
- Dan Parnell and he have been reviewing finances which appear to be on track.
- Bob inquired about the SB's decision relating to using the 2nd American Rescue Plan Act (ARPA) tranche. Broadband has expended approximately $230,000 of the $250,000 allotment. Bob indicated that if not earmarked for other purposes, there is no question that the Broadband project can use additional ARPA funding (Broadband is an allowable ARPA expense). Bob recalled that Mr. Caldwell had indicated that from a grant management perspective, it is significantly less onerous for the town to submit reports documenting ARPA expenditures if the use is for a single purpose. CS pondered whether a remaining balance on the bond for broadband could be used for roads. MW stated that it is typically difficult to divert a bond to another purpose. CS suggested investigating whether ARPA may be used for roads. MW will analyze options/criteria for ARPA use.

Approval of the 4/6/2022 and 4/8/ 2022 Meeting Minutes
ML moved to approve the April 6 and April 8, 2022 minutes. CS 2nd. Motion carried unanimously.

Public Input (limited to 3 minutes per person, 20 minutes total for this agenda item).
None

SB to vote: Transferring the Host Community Agreement for property located at 2727 Jacob's Ladder Road from Ipswich Pharmaceuticals to Himalayan High, LLC
Benjamin Zach, CEO from FFD Enterprises MA Inc dba Fine Fettle, indicated that Ipswich Pharmaceuticals' name has changed to FFD Enterprises MA Inc dba Fine Fettle.

MW advised that the HCA was sent to Town Counsel by his predecessor a while back for review and adjustment. MW spoke to Town Counsel a couple of hours ago and they are not yet done with it and therefore an amended agreement was not available for SB review. CS moved to table this agenda item until May 4, 2022, ML 2nd. After the below discussion, motion carried unanimously.

Bob Alarie stated that the approval of the Special Permit affiliated with the HCA was illegal on the basis that the property taxes for 2727 Jacobs Ladder Road were not paid when the Planning Board approved the Special Permit. BE clarified that the SB's business is only for the Host Community Agreement. BE explained that the HCA, not the Board Special Permit, is within the SB's jurisdiction and moreover, the Special Permit is within the Planning Board's jurisdiction. He stated that the appeal period for this Special Permit has passed. During discussion, Benjamin Zac stated that property tax requirements have been satisfied for this special permit. ML had clarified that the Planning Board denied with prejudice a separate Special Permit application for an adjacent property for cultivation due to unpaid taxes. Bob Alarie indicated that the Special Permit expired in January 2022. MW stated that although not official, today Town Counsel had advised that the Special Permit's deadline is July 6, 2022.

Select Board to review Departmental Reports

- **Animal Control Officer – February/March 2022**
- **Others TBA**

The SB reviewed the ACO's February and March 20222 reports. The SB advised that departmental reports (Fire, Police, Animal Control, Highway, Ambulance, and Building) are generally due by the SB's second regularly scheduled monthly meeting.

Town Administrator's Report
Interim Town Administrator MW provided the following report:

- Paving bid opening – discussed earlier
- ATM Warrant – Town Counsel is reviewing and anticipates wrap up within the next few days. MW will discuss a few minor items with Bill Caldwell.
- Host Community Agreement – discussed earlier
- MW had a conference call with Planning Board chair and Town Counsel today to discuss recent Quarry Road facility public hearing. Everyone is on the same page.
- The Town's tax rate was approved on April 13th. The new rate is $10.80. Last year's rate was $11.62. Bills have been mailed. This year's total property value: $591M.
    1. Last year's total property value: $531M.
    2. Year to Year change: increase of $60M or 11.3%
    3. This year's tax rate: $10.80.
    4. Last year's tax rate: $11.62
    5. Year to Year change: decrease of $.82/$1,000 or 7.5%

Select Board's Comments and Announcements
ML initiated discussion on the Esau Heel Trail. The grant opening event at the trail is scheduled for June 18th. BE will acquire and place wooden 4' x 4' posts for the back-to-back signs. He may request reimbursement for the supplies through the Community Preservation Committee.

Per CS's request, MW will invite the Highway Superintendent to a meeting to update the SB on capital planning items (vehicles), and road maintenance/management planning. CS indicated that this is to follow up with previous SB discussion where they agreed it would be a beneficial to talk in person periodically (3 or 4 times a year) with the Highway Superintendent.

BE asked if the SB would like to determine its position relating to the Special Permit application submitted by Hit the Road RV, LLC c/o Lynch Scrimo [The applicants seek relief from Section 3.1.3 of the Becket Zoning Bylaws, to re-establish the Dreamaway Restaurant and establish a glamping facility at 1342 County Road, Assessors' Map 401 Lots 3 and 4.]. Discussion ensued regarding several comments offered at the Public Hearing of which the SB disagrees:

1. *The Town Beach will be negatively impacted* – The SB stated that the town will not issue beach permits to the glampers. It is the SB's understanding the project includes a swimming pool.
2. *The facility will drain town emergency resources.* Based on that prior years' emergency response activity at Dream Away (which was not high), the SB does not agree.
3. *Will bring excessive traffic* – The SB does not believe it will create more traffic than Dream Away's traffic. Moreover, glampers will stay for longer periods (less traffic turnover as compared to a restaurant's traffic).

   The SB indicated that they were impressed with the level of detail in the plans as well as the presentation at the Planning Board's public hearing.

   During the Planning Board's public hearing, Attorney Elisabeth C. Goodman, hired by those opposing the application, commented that each camp sites may fall into the category of a building lot and Becket's zoning requires a 2-acre minimum lot dimension. Planning Board may decide to consult with Town Counsel about Elisabeth Goodman's comment. CS pointed out although names of her clients were specified in writing to the Planning, this was not done at the public hearing, and he will suggest to the Planning Board that next time she speaks at the meeting she should list the names of whom she represents. ML remarked that the new practice of hiring an attorney to raise objections at public hearings is troublesome as it discourages an opportunity for discourse and puts everyone on the defensive which is not in

the spirit and purpose behind public meetings. BE added that this has been happening before the applicants have a chance to present.

CS recommended placing room tax on the next Town Meeting Warrant (the deadline passed for the 2022 Annual Town Meeting). During the public hearing the applicant had suggested the town could create a room tax.

The consensus of SB is that they do not see any downside to the proposed special permit and they think it is an appropriate use, particularly when factoring in the existence of other campgrounds/facilities within Becket and its surrounding communities. ML stated that he favors supporting businesses and CS stated that the town does not have a history of large scope or excessive problems with other camp related businesses.

BE moved for the SB to go on record that it supports the Special Permit application submitted, and as presented to date, by Hit the Road RV, LLC c/o Lynch Scrimo [The applicants seek relief from Section 3.1.3 of the Becket Zoning Bylaws, to re-establish the Dreamaway Restaurant and establish a glamping facility at 1342 County Road, Assessors' Map 401 Lots 3 and 4.]. ML 2nd: Motion carried unanimously. The SB chair will send a letter to the Planning Board.

Any other business to come before the Board
None

Correspondence:

- **2022.08.22 E-mails from Special Health Agent Charlie Kaniecki re: Pleasant Street Septic Order; Becket Projects – Update list; 23 Pine Dale with request for direction.**
- **2022.08.22 E-mail from Tax Collector re: 23 Pine Dale**

BE suggested each member may wish to drive by the dilapidated properties mentioned in Mr. Kaniecki's communications. MW will talk to the Building Inspector regarding obtaining quotes to cleanup 23 Pine Dale. The town may place a lien on the property for cleanup. However, in the interest of safety CS suggested that immediate action to secure 23 Pine Dale Circle is warranted. CS moved to authorize use of demolition account funding to secure 23 Pine Dale Circle, ML 2nd: Motion carried unanimously.

Select Board to review and sign payable warrants
The SB reviewed and signed payable warrants.

Select Board to adjourn the Meeting
CS moved to adjourn, ML 2nd: Motion carried unanimously. At 7:51pm, BE adjourned the meeting.

Respectfully submitted by Beverly Gilbert, *Administrative Assistant*

Signed by:

William H. Elovirta / *May 4, 2022*
William H. Elovirta, *Chair* Date Approved

Documents discussed at this meeting:

- 2022.04.20 Select Board Agenda
- 2022.04.06 and 2022.04.08 Select Board Minutes
- 2022.04.20 Interim Town Administrator's report
- ACO February and March 2022 reports
- Agenda Item 15. Correspondence as listed
- SB letter to Bill Ennen requesting reimbursement for Broadband Make-Ready