SELECT BOARD MEETING MINUTES
7:00pm, January 17, 2024
Town Hall, 557 Main Street, Becket

Attendees

Select Board (SB): William Elovirta (BE), *Chair;* Chris Swindlehurst (CS), *Vice-Chair;* Jeff Piemont (JP), *Clerk*

Staff: Beverly Gilbert (BG), *Administrative Assistant*

Remote: Robin Mathiesen - Town Clerk, Al Blake – Planning Board, Kathy Dickinson, Laurie Friedman, Amy Perlmutter

Others: Joe McCarthy (TRC Companies), Lei-Anne Ellis, Chuck Garman – Bylaw Review Committee

1. **The Chairperson will call the Select Board meeting to order.**
   BE called the meeting to order at 7pm, and indicated the SB was recording the meeting.

2. **Pledge of Allegiance**
   BE led the Pledge of Allegiance.

3. **Continuation of Public Hearing In accordance with MGL Chapter 166, Section 22, regarding NSTAR ELECTRIC COMPANY DBA EVERSOURCE, AND VERIZON NEW ENGLAND, INC.'S petition November 9, 2023 for permission to erect a line of poles (install underground conduits and cables) on Bonny Rigg Hill Road, Becket, MA 01223 as specified in the accompanying plan marked 13799544.**
   BE read the above captioned agenda item, and began continuation of the public hearing. Joe McCarthy, from TRC Companies (Eversource contracted their engineering services) indicated it is his understanding that Eversource will patch, but will not agree with the SB's request to pave the entire road. Mr. McCarthy commented that the road is in older condition. Mr. McCarthy believes Eversource would be willing to coordinate its digging with a town-sponsored repaving project so the town would not have to repave twice.

   BE asked if BG received comments for the SB. She replied that one resident (Michele Cohen) inquired whether the poles would be replaced with underground. BG will respond to Ms. Cohen that the poles will remain.

   CS indicated that Eversource is requesting approval of their petition to increase the reliability of their system, and it is his understanding the town does not have to grant approval. Mr. McCarthy stated that if the town does not approve the petition, Eversource could propose upgrading the existing pole line with heavier wire and mid-span poles between current poles at least 200 feet apart.

   Mr. McCarthy fielded various questions. He stated the trench will be approximately three feet deep. This includes a one-foot diameter concrete conduit encasement with two feet fill covering the encasement. The SB indicated they are not happy with the idea of patching because it will

compromise the road. The trench will be a slightly on the northbound lane, and most of the boxes will be on that side.

Mr. McCarthy indicated that further north past the intersection on the other side of Bonny Rigg Hill Road there is a very large project where Eversource is replacing many poles and installing new wire. To significantly increase the capacity and reliability of that line, Eversource wants to continue that project, and the right away for such is currently in the woods which makes access for tree maintenance difficult. There is a great deal of effort particularly during storms. When a pole gets knocked down, it often becomes is a point of failure and weakness in the system. Although Eversource wants to leave the poles for a few local homes, the plan is for the main underground line to extend through this entire region. JP expressed Eversource is asking the town to potentially suffer financial damages and incur difficulty maintaining the road so that Eversource does not have to maintain the poles and right of way. CS stated the road is heavily traveled (50-60 trucks weighing 80,000 tons per day). JP stated that Eversource is a regulated monopoly distributor and will recover whatever cost they incur through rates, and he understands Eversource received a substantial grant for the upgrade work they are doing in the area. Mr. McCarthy stated he does not have information regarding that.

CS suggested obtaining an estimate for paving and potentially proposing that Eversource will cover a percentage. BE suggested asking the Highway Superintendent to provide an estimate on a repair (patch it and overlay).

Due to that an Eversource decision-maker was not present to address the SB's request to pave the road, the SB continued the public hearing for February 21, 2024. Joe McCarthy will contact Eversource to encourage a representative to attend. Discussion ended at approximately 7:20pm.

4. **Bylaw Review Committee: Procedure Clarification**

Chuck Garman, Chair of the Bylaw Review Committee, asked the SB to clarify whether the Planning Board or Bylaw Review Committee should review a proposed Dark Skies Bylaw.

Lei-Anne Ellis, Kathy Dickinson, Amy Perlmutter and Laurie Friedman spoke in support of creating a Dark-Skies Bylaw that will address outdoor lighting designs to preserve the beauty of our skies, promote safer driving conditions and the health and well-being of the town's wildlife, ecosystems, and its citizens. Ms. Ellis expressed concern that a zoning bylaw would likely concentrate on new building only despite that the Dark Skies Citizens' objective for the proposed bylaw is to address all outdoor lighting (with a phase-in period for all outdoor lighting to comply with the proposed bylaw not merely new outdoor lighting). During discussion it was acknowledged that it is not likely that a town committee can properly vet the proposed bylaw (22 pages) in time for the May 2025 Annual Town Meeting, and it is more realistic that the proposed bylaw could be presented at the May 2025 Annual Town Meeting. Although a Citizen's Petition is a mechanism to list an article on a Town Meeting, it is the preference of the Dark Skies Citizens' Group for the Select Board to list the proposed bylaw on a Town Meeting Warrant after it is reviewed and potentially modified by a town entity.

Actions to be taken: Chuck Garman will ask the Town of Sheffield if their newly adopted Dark Skies Bylaw is a zoning bylaw or a general bylaw. Mr. Garman had reached out to Berkshire Regional Planning Commission to weigh in but has not yet received a reply. Per Al Blake's suggestion, Mr. Garman will ask Berkshire Regional Planning Commission's Executive Director for an opinion about classifying the bylaw as a general bylaw or as a zoning bylaw. The SB tabled voting on a decision until Feb. 21, 2024.

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

6. **SB to acknowledge resignation: Andrew Jackson, Conservation Commission Associate Member, effective 1/1/2024**
   The SB acknowledged Andrew Jackson's e-mail stating that effective 1/1/2024, he will no longer serve Conservation Commission's Associate Member.

   Al Blake stated that he had submitted an appointment application to serve as an Associate Member of the Conservation Commission and has not received a response. BE indicated that currently the General Bylaws does not allow for an Associate Member of the Conservation Commission. BE stated that he brought up this matter to the Bylaw Review Committee for their recommendations. During discussion it was mentioned that Conservation Commission Associate members do not have voting rights. Under the circumstances, BE thinks it would be prudent to refrain from appointing Mr. Blake Associate Member of the Conservation Commission. BE expressed to Mr. Blake that there is certainly nothing to prohibit him from attending Conservation Commission meetings.

7. **Select Board to review the Town of Dalton's comments/suggested changes to the Central Berkshire Regional School District Agreement. Select Board discussion and potential to vote to provide feedback to the school district's member towns.**
   Town Counsel has not yet provided a recommendation pertaining to this matter. The SB will move this to the February 7th agenda.

8. **Select Board to review Departmental Reports**
   - Ambulance Dept. – December 2023
   - Police Dept. – Statistics 1/1/2023 through 12/31/2023
   - Building Inspector – December 2023

   The SB reviewed the above captioned reports.

9. **Approval of the January 3, 2024 Meeting Minutes**
   JP moved to approve the January 3, 2024 meeting minutes. CS 2nd: Motion carried unanimously.

10. **Select Board's Comments and Announcements**
    JP stated he strongly supports and would like the SB to initiate and sort through the process for preparing an Annual Town Meeting Warrant Article re: transferring parcels from Tax Collector/Treasurer/Tax title account classification purposes to Select Board - General Municipal or Recreational or Conservation/open space account classification purposes. JP stated that the SB should determine the lots, including Esau's Heel Trail area (and possibly the three corner lots), that

should be reclassified for recreation or general use (potential future Highway Department facility). BE suggested discussing this with the Town Administrator and seeing where she is in the process with Town Counsel. JP stated that reclassifying Esau Heel's trail to recreation will allow for Becket to apply for grants (potentially a grant to make the trail handicapped accessible). During discussion, Al Blake stated that he suggests surveying the entire 30-something parcel area of Esau Heel's Trail, and then based on that the SB may determine whether they would want to recommend setting aside two or three parcels for general use. The SB did not think it would be necessary to survey the land because they were surveyed to create the parcels. CS commented that Town Counsel had cautioned that once land is placed into conservation or open space it is complicated to reclassify it.

BE reported that he had contacted the Police Department in response to complaints about McNerney Road being shut down the past few workweeks for tree work. An Eversource contractor is using Becket Police detail for this project. BE had asked the Police Department to contact the contractor to request for them to try to switch to smaller sized equipment so that it will not be necessary to close the road. CS indicated that Brooker Hill Road is an alternate route, if necessary.

11. Any other business to come before the Board

BE moved to inform the Alcoholic Beverages Control Commission that the Select Board estimates 9,000 for the Town of Becket's temporary seasonal population as of 7-10-2024. CS 2nd: Motion carried unanimously.

JP and CS agreed to submit the Select Board's 2023 Annual Report that BE wrote.

12. Correspondence/announcements:

- **2024.01.04 Meredyth Babcock e-mail regarding signage in the Town of Becket**

In response to Meredyth Babcock's communication, the SB agreed if by February 1st, 2024, the posters remain in view, they will send a letter to the family of the missing pet requesting for them to remove the signs.

13. Select Board to review and sign payable warrants

The SB reviewed and signed payable warrants.

14. Upcoming Meeting: Select Board/Finance Committee's Meeting to review and discuss the Fiscal Year 2025 Budget. Select Board to confirm this meeting will occur on Jan. 31, 2024, and determine the starting time.

The SB will meet with the Finance Committee at 6pm on Jan. 31, 2024.

15. Select Board to adjourn the Meeting

JP moved to adjourn. CS 2nd. The Select Board disbanded at 8:20pm.

Respectfully submitted,
Beverly Gilbert, *Administrative Assistant*

Signed by:

William H. Elovirta, *Chairperson* / *February 7, 2024*
Date Approved

Meeting documents:

- Agenda
- 2024.01.03 Select Board Meeting Minutes
- 2024.01.01 e-mail from David Johnson to forward Andrew Jackson's resignation from the Conservation Commission – Associate Member.
- 2024.01.16 e-mail from Michele Cohen – questions regarding Town Petition for Bonny Rigg Hill Road underground and overhead work
- Revised Eversource Plan marked 13799544
- Correspondence – listed agenda item 12
- Department report – listed agenda item 8
- 2023 Report of the Select Board