

Pursuant to the foregoing warrant, the Annual Town Meeting was called on May 12, 2018, 7:00 p.m. at Becket Washington School, 12 Maple Street, Becket, MA 01223. There being a quorum present, the meeting was called to order at 7:06 p.m. by the Moderator. There were 78 registered voters present (5% of 1502 registered voters) and a total of 103 people attended the meeting. Town Officials Present: Ethan Klepetar, Moderator, Bill Elovirta, Nicole Ledoux, and Michael Lavery, Selectmen; Ann Spadafora, Maria Wallington, Dan Parnell, Ronald Defoe, and Mark Karlberg; Finance Committee Members; George E. Roberts, Town Clerk; Robert Markel, Interim Town Administrator; Joel Bard, Esq., Town Counsel.

The Moderator opened the meeting stating the rules to be followed. He welcomed all non-voters and noted that while they could address the meeting, they could not vote. The Moderator reviewed the warrant and declared it to have been duly posted as evidenced by the attestation of the posting

ARTICLE 1 COMPENSATION

To see if the Town will vote, pursuant to Chapter 41, section 108 of the General Laws, to fix the compensation of the Board of Selectmen at \$2,080 each and pursuant to Chapter 41, section 4A of the General Laws, to allow the following boards to employ their members at the listed hourly rates.

Board of Health at the rate of \$15.15 per hour for the performance of their duties as Board of Health members that is in excess of their meeting time.

Cemetery Commission at the rate of \$15.15 per hour for the performance of their duties as Cemetery Commission members in maintaining the cemeteries that is in excess of their meeting time; or take any other action relative thereto.

Board of Selectmen: Recommended
Finance Committee: Recommended

Majority Vote Required

Article 1 Was moved and seconded. There was no discussion. A vote was taken by a count of hands.

Article 1 PASSED UNANIMOUSLY.

ARTICLE 2 FY 2019 OPERATING BUDGET

To see if the Town will vote to raise and appropriate such sums of money as may be needed to defray the expense of the Town for the 2019 Fiscal Year as set forth in **APPENDIX A**, which is on file with the Town Clerk and on the Town Website (www.townofbecket.org); or take any other action relative thereto.

Board of Selectmen: Recommended
Finance Committee: Recommended

Majority Vote Required

The Moderator stated that he would not read each line item but rather, if there were to be any questions or discussion of any line item, a “Hold” should be placed on that line item. There will be a vote on all the line items that weren’t placed on “Hold.” After the initial vote there would be an opportunity for discussion on each line item placed on “Hold,” and the Meeting would vote upon each. The Moderator stated that in the non-held line items, the figure voted upon would be the Finance Committee/ Selectmen recommended amount. The following line items had “Holds” placed upon them:

Line 48 (E911 Communication) (note: there is a typographical error in APPENDIX A resulting in two Line 48 – the one placed on hold is the first)

Line 150 (Health and Life Insurance)

Article 2 Was moved and seconded from the floor. After explanations by Interim Town Administrator Robert Markel, together with a clarification by Dan Parnell that the figure being voted on was the figure recommended by the Finance Committee and the Board of Selectmen of \$5,686,505 as set forth in Line Item 155 in Appendix A, Town Counsel, Joel Bard, recommended that the motion be amended to read:

“To see if the Town will vote to raise and appropriate such sums of money as may be needed to defray the expense of the Town for the 2019 Fiscal Year as set forth in **Line Item 155 in APPENDIX A**, which is on file with the Town Clerk and on the Town Website (www.townofbecket.org); or take any other action relative thereto.” The suggested motion to amend was made and seconded. A vote was taken by a show of hands, and the motion to amend passed unanimously.

A vote on the motion as amended exclusive of line items 48 (E911 Communication) and line item 150 (Health and Life Insurance) was taken by a count of hands and the motion as amended on

Article 2 PASSED UNANIMOUSLY.

Each of the held line items was considered individually and the following actions were taken:

Line Item 48. E911 COMMUNICATION:

Line Item 48 was moved and seconded. Selectmen William Elovirta explained that radio communication in Becket for emergency services are terrible. He noted that this line item would improve emergency communications. He noted that the money to fund the purchase of the equipment is available through a Homeland Security grant to the Berkshire County Sheriff’s Office, and that cell tower rent was negotiated down to \$1400 per month with an annual 3% increase. A vote was taken and

Line Item 48 PASSED UNANIMOUSLY.

Line Item 150. HEALTH/LIFE INSURANCE:

Line Item 150 was moved and seconded. Jeremy Dunn asked for an explanation as to why health insurance costs hadn’t gone up from the prior year. Interim Town Administrator Robert Markel explained that the Massachusetts Inter-local Insurance Association. (MIAA) sends a letter out each year advising towns of the next year's cost. This year letter indicated that there wouldn’t be an increase for the fiscal year 2019, but that there would be an increase for the fiscal year 2020. Additionally, he noted that MIIA was changing the plan that they offer to retirees and we would be required to migrate from MedEx 2 to MedEx 3. MedEx3 would have the same benefits as MedEx2, but would result in a significant subsidy from the Federal Government, which he believes, explains the lack of increase for the upcoming fiscal year. A vote was taken and

Line Item 150 PASSED UNANIMOUSLY.

ARTICLE 3 DEBT SERVICE

To see if the Town will vote to raise and appropriate the sum of \$305,692 to fund debt service due in Fiscal Year 2019 for the following previously approved borrowings:

Becket Washington School	103,867	EFP 2025
Wahconah Regional High School	7,876	EFP 2029
Wahconah Sidewalks	838	EFP 2022
Kittredge School MSBA Windows	456	EFP 2022
Craneville Roof	161	ERP 2023
Craneville Air Handler	41	ERP 2022
District Security	999	EFP 2025
Dump Truck (Highway Department)	51,456	EFP 2021
Loader (Highway Department)	58,800	EFP 2020
Town Hall Roof	25,284	EFP 2020
Ambulance	43,209	EFP 2021
Short Term Debt Service	<u>1,500</u>	
	\$294,487;	

or take any other action relative thereto.

Board of Selectmen: Recommended
Finance Committee Recommended

Majority Vote Required

Article 3 Was moved and seconded. Nodar Sala terms of the debt of the dump truck and loader started. The Highway Superintendent Chris Bouchard noted that the terms were 5 years each. A vote was taken by a count of hands.

Article 3 PASSED UNANIMOUSLY.

ARTICLE 4 TRANSFER TO THE STABILIZATION FUND

To see if the Town will vote to raise and appropriate the sum of \$50,000 to be deposited into the Stabilization Fund for Fiscal Year 2019; or take any other action relative thereto.

Board of Selectmen: Recommended
Finance Committee: Recommended

Majority Vote Required

Article 4 Was moved and seconded. There was no discussion. A vote was taken by a count of hands.

Article 4 PASSED UNANIMOUSLY.

ARTICLE 5 ACCEPTANCE OF CHAPTER 90 FUNDS

To see if the Town will vote to accept any monies appropriated by the Massachusetts Department of Transportation for Chapter 90 use; these funds to be used for maintenance and reconstruction of Town roads and to fund the appropriation by transferring said amounts from available funds with any unspent

funds to carry over from year to year until spent by the Town; these sums to be reimbursed to the Town by the Commonwealth of Massachusetts in accordance with Chapter 90 of the Massachusetts General Laws; or take any other action relative thereto.

Board of Selectmen: Recommended
Finance Committee: Recommended

Majority Vote Required

Article 5 Was moved and seconded. There was no discussion. A vote was taken by a count of hands.

Article 5 PASSED UNANIMOUSLY.

ARTICLE 6 AMBULANCE BUDGET

To see if the Town will vote to appropriate the sum of \$405,574 for the salaries and expenses of the Ambulance Enterprise; and to fund said appropriation, to raise and appropriate \$300,574 from the General Fund and to transfer \$105,000 from Fiscal Year 2018 Ambulance Receipts; or take any other action relative thereto.

Board of Selectmen: Recommended
Finance Committee: Recommended

Majority Vote Required

Article 6 Was moved and seconded. There was no discussion. A vote was taken by a count of hands.

Article 6 PASSED UNANIMOUSLY.

ARTICLE 7 CAPITAL REPAIRS TO THE BECKET ATHENAEUM

To see if the Town will vote to transfer from Free Cash the sum of \$10,000 for capital repairs and improvements at the Becket Athenaeum, including all incidental and related costs, in order for Library Services to be provided to Town residents; or take any other action relative thereto.

Board of Selectmen: Recommended
Finance Committee: Recommended

Majority Vote Required

Article 7 Was moved and seconded. Andras Sala, asked that Kathy DeFoe explain this item. Ms. DeFoe explained this money would be used with respect to ongoing water and septic issues at the Athenaeum. She related that the Athenaeum had a shallow well, designated as a public water supply. The Athenaeum is required to conduct several water tests on the well during the year. The water from the well frequently tests positive for coliform bacteria and at least once a year tests positive for e-Coli bacteria. She also related that investigation has revealed that the building has an old style metal septic tank and that it is not clear if there is a leach field, nor where it might be located. The Board of Directors has determined that investigation is needed to ensure that the Athenaeum is not contaminating nearby water supplies. Ms. DeFoe related that the Athenaeum retained Hill Engineering to conduct the initial assessment after seeking bids from S&J Contracting and Fox & Oneill. She also noted the Athenaeum had accrued \$2,000 and was to receive \$2,000 from the Town of Washington to move forward on this issue.

A vote was taken by a count of hands.

Article 7 PASSED UNANIMOUSLY.

ARTICLE 8 PURCHASE OF A NEW POLICE CRUISER

To see if the Town will vote to transfer from Free Cash the sum of \$48,866.55 for the purchase and equipping of a new police cruiser and to authorize the Board of Selectmen to trade or sell the old police cruiser; or take any other action relative thereto.

Board of Selectmen: Recommended
Finance Committee: Recommended

Majority Vote Required

Article 8 Was moved and seconded. There was no discussion. A vote was taken by a count of hands.

Article 8 PASSED UNANIMOUSLY.

ARTICLE 9 PURCHASE OF MOBILE SOFTWARE FOR THE POLICE DEPARTMENT

To see if the Town will vote to transfer from Free Cash the sum of \$26,223 for the purchase and installation of IMC Mobile Software for the Police Department; or take any other action relative thereto.

Board of Selectmen: Recommended
Finance Committee: Recommended

Majority Vote Required

Article 9 Was moved and seconded. After an explanation by Police Chief Kristopher McDonough about the need for this software which is a records management and communications system that is used by virtually all the surrounding police departments. Mr. McDonough noted that there is a yearly fee associated with this system, but also noted that training is included in this warrant amount. A vote was taken by a count of hands.

Article 9 PASSED UNANIMOUSLY.

ARTICLE 10PURCHASE OF EQUIPMENT FOR THE AMBULANCE DEPARTMENT

To see if the Town will vote to transfer from the Ambulance Stabilization Account the sum of \$21,227 for the purchase of: 1) an evacuation chair (\$4,760); 2) a chest compression system (\$14,712); and 3) new software (\$1,755) for the Ambulance Department; or take any other action relative thereto.

Board of Selectmen: Recommended **2/3 Vote Required**
Finance Committee: Recommended

Article 10 Was moved and seconded. There was no discussion. A vote was taken by a count of hands.

Article 10 PASSED UNANIMOUSLY.

ARTICLE 11PURCHASE OF TURNOUT GEAR FOR THE FIRE DEPARTMENT

To see if the Town will vote to transfer from Free Cash the sum of \$27,000 for the purchase of replacement turnout gear for the Fire Department; or take any other action relative thereto.

Board of Selectmen: Recommended **Majority Vote Required**
Finance Committee: Recommended

Article 11 Was moved and seconded. There was no discussion. A vote was taken by a count of hands.

Article 11 PASSED UNANIMOUSLY.

ARTICLE 12PURCHASE OF A NEW BACKHOE FOR THE HIGHWAY DEPARTMENT

To see if the Town will vote to transfer \$115,000 from the Overlay Surplus and \$12,500 from Free Cash for the purchase and equipping of a new backhoe for the Highway Department and to authorize the Board of Selectmen to trade or sell the old Highway Department backhoe; or take any other action relative thereto.

Board of Selectmen: Recommended **Majority Vote Required**
Finance Committee: Recommended

Article 12 Was moved and seconded. There was no discussion. A vote was taken by a count of hands.

Article 12 PASSED.

ARTICLE 13FY 2019 COMMUNITY PRESERVATION AUTHORIZATION

To see if the Town will vote to appropriate or reserve from Community Preservation Fiscal Year 2019 estimated annual revenues the amounts recommended by the Community Preservation Committee for Committee administrative expenses, community preservation projects and other expenses in Fiscal Year 2019, with each item to be considered a separate appropriation, all as set forth below:

Appropriations:

Committee Administrative Expenses \$500

Reserves:

Historical Resources Reserve \$4,259

Community Housing Reserve \$4,259

Open Space Reserve \$4,259

Undesignated Reserve \$29,316

Sponsored by the Community Preservation Committee

Board of Selectmen: Recommended **Majority Vote Required**
CPA Committee: Recommended
Finance Committee: No Recommendation

Article 13 Was moved and seconded. Gale LaBelle asked why Finance Committee didn't recommend. Dan Parnell noted that this was an issue outside the ambit of the Finance Committee, and as such the Committee was neither recommending for or against this Article. Robert Markel, Neil Toomey, and Gail Kusek gave brief explanations of the various parts of the Community Preservation funds allocation and prior recent uses of these funds. A vote was taken by a count of hands.

Article 13 PASSED UNANIMOUSLY.

ARTICLE 14 COMMUNITY PRESERVATION FUNDING FOR NORTH BECKET PARK

To see if the Town will vote to transfer the sum of \$22,000 from the Undesignated Reserve Account of the Becket Community Preservation Fund for the rehabilitation of land for recreational use at the south end of North Becket Park, specifically to purchase new exercise equipment to replace wooden, outdated, and uninsurable equipment; or take any other action relative thereto.

Sponsored by the Community Preservation Committee

Board of Selectmen: Recommended

Majority Vote Required

CPA Committee: Recommended

Finance Committee: No Recommendation

Article 14 Was moved and seconded. Gale Kusek and Rita Furlong explained that the proposed installation was for people 14 year of age and up and that the CPA was unanimously recommending that this item be placed upon the warrant for the Town to decide. Rita Furlong related that the school wouldn't allow the children on the current equipment because it was made of wood, and could result in splinters, and would have to be torn down and replaced. Madeline Elovirta noted that equipment has significant warranties, and would be bright and inviting and placed within the boundaries of the park. A vote was taken by a count of hands.

Article 14 PASSED.

ARTICLE 15 COMMUNITY PRESERVATION FUNDING FOR A SHED AT TOWN BEACH

To see if the Town will vote to transfer the sum of \$17,000 from the Undesignated Reserve Account of the Becket Community Preservation Fund for the rehabilitation of land for recreational use at the Town Beach, specifically for the purchase and installation of a new, larger shed; or take any other action relative thereto.

Sponsored by the Community Preservation Committee

Board of Selectmen: Recommended

Majority Vote Required

CPA Committee: Recommended

Finance Committee: No Recommendation

Was moved and seconded. Rita Furlong noted, in response to questions about the cost of the project, that the new shed would be 12 feet by 20 feet, and that the building would be erected on a slab of concrete. A vote was taken by a count of hands.

Article 15 PASSED

ARTICLE 16 ANIMAL CONTROL BY-LAW

To see if the Town will vote to amend the Town of Becket By-Laws, Article 20, Dog Control By-Law, as shown in **APPENDIX B**, which is on file with the Town Clerk and on the Town Website (www.townofbecket.org); or take any other action relative thereto.

Sponsored by the Bylaw Review Committee

Board of Selectmen: Recommended

Majority Vote Required

Article 16 Was moved and seconded. Town Clerk, George Roberts noted that the old Dog By-Law had to be changed because the State changed the laws which required updating. Mr. Roberts noted that the By-Law Review Committee opted to include much of the language of the State Law as a convenience to the people in town who keep animals. Mr. Roberts noted that the cost to license a dog would remain at \$5.00 for spayed and neutered dogs, and \$11.00 for intact dogs. A vote was taken by a count of hands.

Article 16 PASSED.

ARTICLE 17 MARIJUANA ESTABLISHMENTS AMENDMENT TO THE ZONING CODE

To see if the Town will vote to amend the Town of Becket Zoning By-Laws by adding a new subsection, as shown in **APPENDIX C**, which is on file with the Town Clerk and on the Town website

(www.townofbecket.org); or take any other action relative thereto.

Sponsored by the Planning Board

Planning Board: Recommended

Board of Selectmen: No Recommendation

2/3 Vote Required

Article 17 Was moved and seconded. Chairman of the Planning Board, Roberts Ronzio made a motion to amend by way of correcting typographic errors by changing the wording in sections:

6.8.3(2) From “....Distances shall be between the nearest property lines of each use.” To “....Distances shall be **measured** between the nearest property lines of each use.” And,

6.8.1 , correcting sub-paragraph numbering From:

6.8.1 Indoor Cultivation, Craft Cooperative, Micro Business, Manufacturing, Processing, Testing & Research Requirements & Performance Standards

1. The minimum lot size for this use shall be two (2) acres.

The minimum required building setbacks shall be fifty (50) feet for front yards, and twenty (20) feet for side and rear yards.

2. No fertilizers, compost, soils, materials, machinery, or equipment shall be stored outdoors within the required front, side, and rear yard building setbacks.
3. In any residential area, any property line of an abutting residential or institutional use shall be provided with a continuous screening along such side and rear property lines.
4. In reviewing a Special Permit under this Section the Special Permit Granting Authority shall consider the impact of the proposal on the following:
 - a. Character of the neighborhood to include visual compatibility with surrounding uses.
 - b. Proximity to other marijuana uses to prevent clustering.
 - c. Relationship to surrounding uses to avoid unnecessary exposure to minors.
 - d. The provision of adequate lighting to promote security for customers and the public.
 - e. Hours of operation.
 - f. Site design and other development related site impacts.

To:

6.8.2 Indoor Cultivation, Craft Cooperative, Micro Business, Manufacturing, Processing, Testing & Research Requirements & Performance Standards

1. The minimum lot size for this use shall be two (2) acres.
2. The minimum required building setbacks shall be fifty (50) feet for front yards, and twenty (20) feet for side and rear yards.
3. No fertilizers, compost, soils, materials, machinery, or equipment shall be stored outdoors within the required front, side, and rear yard building setbacks.
4. In any residential area, any property line of an abutting residential or institutional use shall be provided with a continuous screening along such side and rear property lines.
5. In reviewing a Special Permit under this Section the Special Permit Granting Authority shall consider the impact of the proposal on the following:
 - g. Character of the neighborhood to include visual compatibility with surrounding uses.
 - h. Proximity to other marijuana uses to prevent clustering.
 - i. Relationship to surrounding uses to avoid unnecessary exposure to minors.
 - j. The provision of adequate lighting to promote security for customers and the public.
 - k. Hours of operation.

I. Site design and other development related site impacts.

The motion to amend was moved and seconded. A vote was taken and the motion to amend passed unanimously.

Bob Ronzio on behalf of the Planning Board noted that the Planning Board recommended the by-law.

Mr. Randy Johnson proposed an amendment adding a subparagraph 6 to section 6.8.4 changing it to:

6.8.4 Designated Number of MEs and Medical Marijuana Treatment Centers.

1. The total number of Marijuana Retailers shall not exceed fifty percent (50%), of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises. Fractions of retailers shall be rounded up to the nearest whole number.
2. The aggregate number of non-retail MEs in the Town shall not exceed six (6) establishments in total.
3. The total number of Medical Marijuana Treatment Centers shall not be greater than 2.
4. In the event that the number of licensed packaged liquor stores allowed/issued within the Town decreases, any ME, if then exceeding the limitations as stated in Sections 6.8.4.1 may remain in operation.
5. There shall be no restrictions on the number of any particular type of establishment permitted within the Town, other than as regulated in Subsection 6.8.4.1.

6. Other than existing retail establishments, no marijuana retailer or treatment center may be sited within 500' of any single or multi-family residence.

The motion was moved and seconded. Mr. Dunn questioned if the By-Law could be amended by the meeting. Town Counsel opined that while the amendment may be within the scope of the article if the Moderator deems it so. The Moderator deems the Cannabis Control Commission and Legislature have

Mr. Roberts questions if any existing stores that currently sell alcohol would be able to sell marijuana if the 500-foot exclusion proposed. Mr. Lavery noted that there were no separate zones and that the only restrictions the Town could impose is taxation and location. Mr. Roberts noted The Becket General Store was actively looking forward to incorporating marijuana sales into her business. Mr. Lavery reiterated that the Town was limited in the scope of restrictions that the Town could impose vis a' vis marijuana facilities. James Levy noted that the Planning Board considered what the Town could do, and reiterated that there are no specialized zones in Becket, thus ME's couldn't be shunted to particular zones. Mr. Dunn questions what would happen if once an ME was established a daycare or residence then was established within 500 feet. Mr. Bard noted that Department of Public Health Regulations, which are currently the controlling authority under such a scenario, would not regulate subsequent development: The choice to locate near an existing ME is outside the regulations, and would not cause the existing ME to be subject to removal. Mr. Ronzio spoke to the fact that there is only one zone in Becket, and any application for any ME would be reviewed for a special permit by the Planning Board. He noted that in the past, the Planning Board has denied applications for special permits when they failed to meet the requirements of the Zoning By-Law. Noted that if this By-Law failed there would be no way to regulate ME's in the Town, which would result in an uncontrolled environment. He noted that under the current regulatory framework, there can only be two retail ME's for recreational marijuana; two ME's for medical marijuana licenses and up to five other facilities for manufacturing, growing and transporting, etc. Mr. Dunn asks if the amendment applies to 500 feet from building or property line. The moderator noted that the amendment proposed specified 500 feet from the structure. Mr. Blake noted that the proposed amendment does not apply to other types ME's.

Town Counsel feels that there is a good chance that the Attorney may reject the amendment.

A vote was taken by a count of hands. The amendment did not pass.

A vote was taken on Article 17. There were 66 votes in favor of Article 17, and 6 votes against, with 92% voting in favor of Article 17.

Article 17 PASSED BY 2/3 MAJORITY.

ARTICLE 18**RECREATIONAL MARIJUANA EXCISE TAX LOCAL ACCEPTANCE**

To see if the Town will vote to accept G.L c. 64N, Section 3 to impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town to anyone other than a marijuana establishment at a rate of three percent (3%) of the total sales price received by the marijuana retailer as consideration for the sale of marijuana or marijuana products; or take any other action relative thereto.

Planning Board: Recommended
Board of Selectmen: Recommended

Majority Vote Required

Article 17 Was moved and seconded. Mr. Lavery noted that there was a 3% impact tax that can be imposed in addition to the 3% sales tax with the State taxing at 14% for a total potential tax load of a total of 20%. These taxes only apply to recreational sales. The impact tax applies to all MEs if the Town incurs expenses for traffic control, police details, etc. Adel Levine asked if there was a difference between taxation of recreational and medical marijuana. Mr. Bard notes that while the by-law does not distinguish between medical and recreational marijuana, the law is very clear that medical marijuana is not taxed. A vote was taken by a count of hands.

Article 18 PASSED.

ARTICLE 19**SOLAR PHOTOVOLTAIC AMENDMENT TO THE ZONING BY-LAW**

To see if the Town will vote to amend the Town of Becket Zoning By-Laws by replacing in its entirety Section 6.6 LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS with a new Section 6.6 SOLAR PHOTOVOLTAIC INSTALLATIONS re-codifying existing practices into an understandable format, as shown in **APPENDIX D**, which is on file with the Town Clerk and on the Town website (www.townofbecket.org); or take any other action relative thereto.

Planning Board: No Recommended
Board of Selectmen: Recommended

2/3 Vote Required

Article 19 Was moved and seconded. Alvin Blake moved to amend to effect typographical corrections as follows (removed language struck through, and added language underlined and bolded):

6.6.3 Definitions. ...

From:

Commercial Use: The sale of electric power generated on-site by a small scale or roof mounted solar photovoltaic ~~installation~~ that exceeds on-site use.

To:

Commercial Use: The sale of electric power generated on-site by a small scale or roof mounted solar photovoltaic **installations** that exceeds on-site use.

And,

From:

Large-Scale Solar Photovoltaic Installation: A ground-mounted solar photovoltaic installation that occupies more than one eighth (1/8th) of ~~a~~ building acre up to a maximum of 50 acres ~~and~~ generates electricity for the purpose of off-site use.

To:

Large-Scale Solar Photovoltaic Installation: A ground-mounted solar photovoltaic installation that occupies more than one eighth (1/8th) of **a** building acre up to a maximum of 50 acres **or** generates electricity for the purpose of off-site use.

And,

From:

Special Permit Granting Authority (SPGA): The Planning Board shall be the Special Permit Granting Authority (SPGA) for solar photovoltaic installations.

To:

Special Permit Granting Authority (SPGA): The Planning Board shall be the Special Permit Granting Authority (SPGA) for solar photovoltaic installations.

And,

From:

6.6.5.4 Application Submission of a Small Scale Photovoltaic.

H. All necessary permits from the Conservation Commission to ~~insure~~ **ensure** compliance with the local, state and federal requirements including the Wetlands Protection Act, G.L. c. 141§ 40 et seq., shall be obtained by the applicant prior to Site Plan Review by the Planning Board.

1.6.5.4 Application Submission of a Small Scale Photovoltaic.

To:

H. All necessary permits from the Conservation Commission to **ensure** compliance with the local, state and federal requirements including the Wetlands Protection Act, G.L. c. 141§ 40 et seq., shall be obtained by the applicant prior to Site Plan Review by the Planning Board.

And, from:

6.6.6.6 Filing Requirements.

C. Location Map. A relevant portion of the most recent USGS Quadrangle Maps at a scale of 1" = 25,000' or similar scale showing the proposed ~~large-wind~~ energy system site, associated roadways, transmission lines and the area within at least a two mile radius of the proposed site.

D. Vicinity Map. A map of the proposed ~~large-wind~~ energy system site at a scale of 1" = 300' or similar scale, with existing contour intervals no greater than ten (10') feet showing the entire area within a ½ mile radius of the proposed large wind energy system, showing existing topography, public and private roads, recreation trails, property lines of all lots, structures including their use, historic sites, cultural sites, wetlands, known critical habitat areas, other environmentally sensitive areas, location of existing and proposed electric distribution lines, transformers, substations, and access easements.

To:

6.6.6.6 Filing Requirements.

C. Location Map. A relevant portion of the most recent USGS Quadrangle Maps at a scale of 1" = 25,000' or similar scale showing the proposed **solar** energy system site, associated roadways, transmission lines and the area within at least a two mile radius of the proposed site.

D. Vicinity Map. A map of the proposed **solar** energy system site at a scale of 1" = 300' or similar scale, with existing contour intervals no greater than ten (10') feet showing the entire area within a ½ mile radius of the proposed large wind energy system, showing existing topography, public and private roads, recreation trails, property lines of all lots, structures including their use, historic sites, cultural sites, wetlands, known critical habitat areas, other environmentally sensitive areas, location of existing and proposed electric distribution lines, transformers, substations, and access easements.

And, From:

6.6.6.10 Operation and Maintenance Plan: The owner/operator of the large-scale solar photovoltaic installation shall maintain the site, at their own expense, according to an Operation and Maintenance Plan (OMP) to be submitted with the Special Permit application. The OMP shall be reviewed and approved by the local Fire Chief, Emergency Medical Service and Highway Superintendent, and/or their designee(s). The OMP shall also specify whether the owner or the operator is responsible for compliance with the plan. At the time of approval of the Site Plan Review, the permit/approval granting authority shall specify one party, either the owner or operator, who shall have the responsibility ~~for~~ compliance with this section. While the Planning Board may impose site specific requirements to be

addressed by the OMP, the OMP shall describe the method of maintenance and party responsible for each of the following:

To:

6.6.6.10 Operation and Maintenance Plan: The owner/operator of the large-scale solar photovoltaic installation shall maintain the site, at their own expense, according to an Operation and Maintenance Plan (OMP) to be submitted with the Special Permit application. The OMP shall be reviewed and approved by the local Fire Chief, Emergency Medical Service and Highway Superintendent, and/or their designee(s). The OMP shall also specify whether the owner or the operator is responsible for compliance with the plan. At the time of approval of the Site Plan Review, the permit/approval granting authority shall specify one party, either the owner or operator, who shall have the responsibility for compliance with this section. While the Planning Board may impose site specific requirements to be addressed by the OMP, the OMP shall describe the method of maintenance and party responsible for each of the following:

The motion to amend was moved and seconded. There was no discussion. A vote was taken and the motion to amend passed unanimously.

Mr. Blake explained that solar used to be under the purview of the Zoning Board, now it's under the purview of the Planning Board. He also noted that the nature of solar had changed dramatically over the years.

A vote was taken by a count of hands.

Article 19 PASSED BY A 2/3 MAJORITY.

ARTICLE 20 AMENDMENT TO ZONING BY-LAW USE REGULATIONS

To see if the Town will vote to amend the Becket Zoning By-Law SECTION 3.0, Use Regulations, by adding in 3.1.3 Table of Use Regulations new lines in the Residential, Commercial, Industrial & Accessory Uses sections as follows:

Table A: Table of Use Regulations

Residential Uses

Roof or Building Mounted Solar Photovoltaic Installation.....Y/PB

Commercial Uses

Roof or Building Mounted Solar Photovoltaic Installation.....Y/PB

Small-Scale Solar Photovoltaic Installation.....PB

Industrial Uses

Large-Scale Solar Photovoltaic Installation.....PB

Accessory Uses

Small-Scale Solar Photovoltaic Installation.....Y/PB

Planning Board: Recommended

Board of Selectmen: No Recommendation

2/3 Vote Required

Article 20 Was moved and seconded. There was no discussion. A vote was taken by a count of hands.

Article 20 PASSED BY 2/3 MAJORITY.

ARTICLE 21 TITLE REPLACEMENT FOR SOLAR INSTALLATIONS

To see if the Town will vote to amend the Becket Zoning By-Law Table of Contents SECTION 6.6, replacing the title LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS with a new title SOLAR PHOTOVOLTAIC INSTALLATIONS; or take any other action relative thereto.

Planning Board: Recommended

Board of Selectmen: No Recommendation

Article 21 Was moved and seconded. There was no discussion. A vote was taken by a count of hands.

Article 21 PASSED BY 2/3 MAJORITY.

2/3 Vote Required

ARTICLE 22 DRIVEWAYS AMENDMENT TO THE ZONING BY-LAW

To see if the Town will vote to amend the Town of Becket Zoning By-Laws by adding the following subsection 4.2.11 Driveways to the existing Dimensional Requirements section codifying existing practices, as shown in **APPENDIX E**, which is on file with the Town Clerk and on the Town website (www.townofbecket.org); or take any other action relative thereto.

Planning Board: Recommended
Board of Selectmen: No Recommendation 2/3 Vote Required

Article 22 Was moved and seconded. Ann Krawet, as a member of the Planning Board, made a motion withdraw the Article. The motion to withdraw was moved and seconded. A vote was taken by a count of hands. **The Motion to Withdraw passed and,**

Article 21 was WITHDRAWN.

ARTICLE 23 AMENDING ZONING BY-LAW TABLE OF CONTENTS

To see if the Town will vote to amend the Becket Zoning By-Law Table of Contents SECTION 4.0, DIMENSIONAL REQUIREMENTS, by adding a new subsection 4.2.11 Driveway

Table of Contents

SECTION 4.0 DIMENSIONAL REQUIREMENTS14

Add new subsection:

4.2.11 Driveway Permits..... 15;

or take any other action relative thereto.

Planning Board: Recommended
Board of Selectmen: No Recommendation 2/3 Vote Required

Article 23 Ann Krawet, as a member of the Planning Board, withdrew the Article.

Article 23 WITHDRAWN.

ARTICLE 24 GRANT OF AN EASEMENT AT 344 WELLS ROAD

To see if the Town will vote to authorize the Board of Selectmen to grant an easement on such terms and conditions, and for such consideration, as it deems appropriate, including nominal consideration, for the benefit of property located at 344 Wells Road, Becket, for the purpose of constructing, operating and maintaining a well house, said easement shown on a plan entitled “Wells Road A.k.a. Sherwood Drive,” prepared by BEK Associates, and on file with the Town Clerk, and authorize the Board of Selectmen to execute any and all documents and take such other action as may be necessary to carry out the vote taken hereunder; and further, that said easement will hold the Town harmless for any pollution in the easement area; or take any other action relative thereto.

Board of Selectmen: Recommended 2/3 Vote Required

Article 24 Was moved and seconded. Ann Spadafora wanted to know where the well was going to be drilled. Michael Lavery noted that the well is on Town property very close to the edge of the road.

A vote was taken by a count of hands.

Article 24 PASSED UNANIMOUSLY.

ARTICLE 25 ROUTE 20 SPRING

To see if the Town will vote to authorize the Board of Selectmen to prepare a plan for the installation of an ultra violet light water purification system at the Route 20 Spring to combat coliform bacteria and bring the Route 20 Spring into compliance with Massachusetts Department of Environmental Protection (DEP) standards for a “public water supply;” and further, to authorize the Select Board to expend up to \$15,000 from the Stabilization Fund for an engineering study and to obtain cost estimates for the installation of an ultra violet system; or take any other action relative thereto.

Board of Selectmen: Recommended
Finance Committee: Not Recommended

2/3 Vote Required

Article 25 Was moved and seconded Selectman William Elovirta described the layout of the spring and noted that while the Town is the deemed “operator” of the spring by the DEP by having tested the water for bacteria for some years, the spring is not on Town property. Mr. Elovirta noted that the spring is physically located on property owned by the Deerhaven development and that it is separated from Route 20 by a thin strip of land that is owned by an individual. Mr. Elovirta noted that as the “operator” of the spring the Town has entered into a consent decree. Mr. Elovirta explained that meeting provided three options for the Town. Option 1, is to install an ultraviolet light 8x10 foot building, which would probably require electrical wiring and installation of another utility pole; entering into agreements with Deerhaven (owner of the land on which the spring is located, and the owner of the property that separates the spring from Route 20. Mr. Elovirta noted that the monitoring of the system would be ongoing. He opined that the cost of the building and system would be more than ten thousand dollars, plus engineering studies and the cost of ongoing testing. He noted that the DEP advised that the existence of coliform bacteria often is a precursor to the appearance of e-Coli bacteria. He related that if the spring water tested positive for e-Coli bacteria, the spring would have to be shut down, or require the installation of additional expensive equipment. Option 2 would be to drill an artesian well and monitor it on an ongoing basis. Option 3 would be to decommission the spring by removing the pipe from the ground and place large stones to prevent another pipe from being installed. Mr. Elovirta noted that Chester, on several occasions, had declined to participate in any course of action. Ron Thompson wanted to know what the Town’s liability would be. Town Counsel noted that the DEP requires testing. He suggested that a “use at your own risk” sign, noting that the increased liability is not that great. Mr. Elovirta noted that DEP would assess fines against the Town if we don’t do something. Gale LaBelle noted that there were 383 signatures from people who want to keep the spring open. Ms. LaBelle of the Board of Health noted that we have not explored solar options, and suggested that a Green Communities Grant might be available for the system. Alvin Blake questioned our ability to decommission the well given that the Town does not own the property upon which the spring is located. Michael Lavery noted that the DEP directed that Deerhaven, as the owner of the spring, to communicate with the Town, as operator of the spring, to get the water into compliance. Bob Markel noted that Deerhaven corresponded with the Town and offered to grant an easement to the Town if the Town decided to go forward with the project. Mr. Markel observed the DEP was surprised that the Town was not the owner of the spring. Dan Parnell noted that the Finance Committee was opposed to the project because of the ongoing costs of the project, and noted that the majority of users are from out of town. Ann Krawet spoke of concerns of liability for the quality of the water, injuries at the site and car accidents. Priscilla McEwen noted the Athenaeum was a public water supply and the monitoring and testing was a laborious and expensive proposition. Gail Kusek noted that we are the only spring left in Berkshire County and that the nearest spring after that is 54 miles away. She noted that in power outages the spring enables people access to water if they don’t have a generator. Ms. Kusek noted that there was a Not-For-Profit being established that would be named “Friends of Becket Spring” that would run, monitor and take the liability for the spring off the Town. She elaborated on the that this proposed Not-For-Profit had plans to solicit donations and grants for funding the operation of their proposed system. Ms. Kusek noted that the “Friends of Becket Spring” may have to limit the hours of operation of the spring. Town Administrator Robert Markel noted that we have to decide the issue tonight or risk incurring significant fines from the DEP. Lawrence Rogowski, the owner of the strip of land between Route 20 and the spring, stated that he wants to keep the spring open and stated that he would not give the State or the Town permission to access his property to close the spring. Rogowski questioned if closing the spring would result in water backing up into his basement. Jeremy Dunn wanted to know if the Town could decline to continue as the operator of the public water supply. Mr. Lavery noted that the consent order was entered into while the Town was the public water supply operator, and apparently that bound us to move forward with some action to comply with the terms of the consent order. Mr. Bard noted that it would be difficult extricate our self from the terms of the consent order issued by the DEP. Mr. Bard, in response to William Cavanaugh’s suggestion that we take no action, stated that it was his legal opinion that tabling the matter was not a good option and that taking no action would send a very bad message to the DEP and would likely result in the DEP levying sanctions against the Town. Many residents spoke both for and against keeping the spring open. Mr. Bard believes that if a Not-For-Profit took over the “operation” of the spring, the DEP might no longer look to the Town as the “operator” of the spring. Mr. Parnell cautions that costs could get out of hand if we move forward with this project. Mr. Roberts moved to call the question, it was seconded. The motion to call the question passed.

A vote was taken by a count of hands. There were 45 votes in favor and 20 votes against the Article.

Article 25 PASSED BY 2/3.

ARTICLE 26 PETITIONED ARTICLE

We, the undersigned citizens of Becket, Massachusetts:

To see if the Town will Vote to authorize the Selectmen to petition the Legislature to enact amendments to the Special Act numbered as Chapter 380 of the Acts of 1982 and entitled "AN ACT ESTABLISHING THE Sherwood FOREST ROAD MAINTENANCE DISTRICT IN THE TOWN OF BECKET as shown in **EXHIBIT A**, a copy of which has been provided to the Board of Selectmen which is on file with the Town Clerk and on the Town website (www.townofbecket.org); provided that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition; or take any action relative thereto.

Lead Petitioner: Steven Rosenthal

Majority Vote Required

Article 26 Was moved and seconded. Steven Rosenthal spoke in support of Article 26. Ron Johnson spoke in favor of the Article 26, noting that currently, less than 20 percent of Sherwood Forrest landowners vote on road district matters. He noted that the other 80 percent of landowners were unable to vote on road district issues even though they pay 80 percent of the road district taxes. Robert Grace spoke in opposition to Article 26, generally speaking in opposition to proxies, and noting that the proposed article gives one vote for each lot, where a couple with one lot only gets one vote. John Cortez-Greig spoke to the process that gave rise to this Article. He notes that the committee that was formed to reform the Sherwood Forest Road Maintenance District Legislation agreed 5-1 to the form and content of the Article before the Meeting. He observed that married couples such as Robert and his wife would not lose their individual votes, but rather all the people who are currently disenfranchised by the current system would be allowed to vote. Mr. Cortez-Greig pointed out that the Prudential Committee consists of three residents and two part-time residents, by law. He also noted that the two part-time resident Prudential Committee members are, under the current system, elected by the full-time residents, and thus don't represent the interests of the part-time residents. Ann Spadafora spoke in favor of Article 26, noting that the Sherwood Forest Road Maintenance was the first such district in Massachusetts and thus was deeply flawed, and noted that every other private community allowed all to vote, not just full-time residents. She noted that proxies could be crafted to more accurately reflect the individual will of the proxy issuer. Howard Lerner noted that once the present Article became law, proxy issues could be addressed under the Road Districts By-Laws through consensus of the proprietors. A motion was made to call the question; it was seconded. A vote was taken and the motion to call the question passed.

A vote was taken on Article 26.

Article 26 PASSED.

It was moved and seconded that the meeting adjourn to the Annual Town Election which will be held one week from today on May 19, 2018, starting at 10:00 a.m. A vote was taken and the motion passed. The meeting adjourned at 11:05 p.m. The checkers were Election Workers Patricia Clemons, Charles Frances, Ann Krawet, and Ruth Rosenthal.

Respectfully submitted,

George E. Roberts

Town Clerk



Sherwood Forest Road Maintenance District

Prudential Committee Meeting

Saturday, June 16, 2018 @ 10:00 AM
Becket Town Hall, 557 Main Street, Becket, MA

AGENDA

1. Prudential Committee Members Comments and Announcements
2. General Roads
 - a. Update on Maid Marian/Lancelot Lake Bank Stabilization Project
 - b. Road Surface Report & Road Grading Plan
 - c. Driveway Curb cut – Blue Boar Lane
 - d. Street Signs – Damaged, Missing & Replacement Report
 - e. Road Designations – Primary/Secondary
 - f. Con Com Enforcement Status
3. Waterways
 - a. Drainage Ditches and Culvert Inspection & Reports
 - b. Windrow & Sod Berm Removal vs. Intermittent Breaks
 - c. Existing Culvert Replacements
 - d. New Installation Hearing Notification Requirement
4. Update on Expanded Voting Rights Status
5. Road Maintenance Contracts - STATUS
 - a. General Road Service Contract
 - b. Roadside Mowing Contract - Bid Opening
 - c. Right of Way - Contract for Tree Trimming & Emergency Removal – Bid Opening
6. Opt-Out Request – Wells Road
7. Expanded Voting Rights Update
8. Website Update
9. Warrant #12 FY2018
10. Any Other Business to come before the Committee –Contract Requirement/Prevailing Wage Statements
11. Post Annual Meeting Requirements
 - a. Swearing in New Members
 - b. Board Reorganization
 - c. FY 2019 Prudential Committee Meeting Calendar FY2019
12. Public Input
13. Review correspondence
14. Adjournment

The order, precedence and priority of the items listed above is subject to the chair's discretion. If anyone has suggestions please send them to the clerk/treasurer for inclusion. Remember the deadline is 12:00 noon EST on Tuesday prior to the scheduled meeting. Items submitted after that will appear on the next month's agenda per posting requirements in the Open Meeting Law.