

Town of Becket

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Annual Town Meeting Minutes 5/13/06

Pursuant to the foregoing warrant, the Annual Town Meeting was called on May 13, 2006, 2:10 p.m. at Becket Washington School, 12 Maple Street, Becket. There being a quorum present, the meeting was called to order at 2:13 p.m. by the Moderator. There were 65 voters present with a total of 84 people attended the meeting.

Town Officials Present: Bruce Garlow, Moderator; William Cavanaugh, John Murray, and Doug Walter, Selectmen; Jeremy Dunn, Michael Falk, Stephen LaBelle Sr., Richard Pryor and Ann Spadafora, Finance Committee Members; Jeanne Pryor, Town Clerk; Richard Furlong, Town Administrator; and Sally Bell, Town Counsel.

The Moderator opened the meeting stating the rules to be followed. He asked for a showing of hands of non-registered voters and welcomed them, indicating that they could participate but not vote. Town Clerk, Jeanne Pryor, read the call of the meeting and officer's return of service and the Moderator noted the warrant as having been duly posted. The Moderator introduced the Chair of the Finance Committee, Michael Falk, who addressed the group. He noted that last year an override was needed which passed by one vote. This year we had more revenue coming in from the State and a building boom continue in the town so there is more revenue available to us. Therefore we are recommending a balanced budget which has the unanimous endorsement of the Finance Committee, the Board of Selectmen and the Town Administrator. This budget would result in an average increase in taxes of approximately 2.2% based on assessments. The total increase in line items, not including articles, is \$272,000 with the two largest areas of increase being the CBRSD (\$107,000 in the operating budget) and the Highway Department (\$57,000 due to a large increase in gravel roads). The Stabilization Fund is expected to have a balance of \$168,000 after the funding for FY07. He was pleased to report that the recently completed financial audit findings indicate that the books are in good shape and he congratulated Richard Furlong and his staff for a job well done. He also noted that FY07 is the third and final year in which the medical premium for town employees' share has gone up to 20% and we will be stopping at this point because we appear to be relatively competitive with other towns. He recognized Dr. Donna Harlan's strong leadership of CBRSD noting that we support their FY07 operating budget and are pleased with the progress being made toward the planning task force on a strategic level. The Moderator then introduced our new School Superintendent, Donna Harlan. Ms. Harlan noted the work that the CBRSD has done in meeting with constituents and others to discuss the budget and to understand their needs and wants. She reported that they established the Ad Hoc Long Range Strategic Planning Committee with 29 members, (noting that a representative is needed from Becket), and 4 subcommittees for a total of over 75 community folks meeting monthly to advise the CBRSD. As a result, the CBRSD has decreased staff because of declining enrollments, consolidated contracted services, examined transportation costs and consolidated them, created special classes not only for those children that need them but to bring children back, increased maintenance to preserve all buildings, and increased text book funding. The CBRSD was asked to keep the total increase at 5% and we came in at 5.08% across the district even though costs increased for insurance, utilities and retirement. We pursued grant funding, gave out the budget information early and listened carefully. She thanked the town for their help with these decisions.

The following articles were voted on:

Article 1: To see if the Town will vote to allow the following boards to employ their members, pursuant to Chapter 41, Section 4A of the Massachusetts General Laws and to pay members at the listed hourly rates.

- 1.) Board of Health at the rate of \$12.50 per hour for the performance of their duties as Board of Health members.
- 2.) Cemetery Commission at the rate of \$12.50 per hour for the performance of their duties as Cemetery Commission members in maintaining the cemeteries.
- 3.) Conservation Commission at the rate of \$12.50 per hour for the performance of their duties as Conservation Commission members.
- 4.) Planning Board Chairman at the rate of \$12.50 per hour for time spent doing research that is in excess of meeting time.

Selectmen: Recommend

Majority Vote Required

Finance Committee: Recommends

Article 1 was moved by Mike Falk and seconded by Bill Cavanaugh. In response to a proposed motion, the Moderator noted that it is tradition in this town that a motion for an amount above the amount requested by the department is not in order. A vote was taken and **Article 1 passed unanimously**.

Article 2: To see if the Town will vote to raise and appropriate such sums of money as may be needed to defray the expenses of the Town for the ensuing fiscal year and to fix the salaries and compensation of all elective officials as provided by Section 108 of Chapter 41 of the Massachusetts General Laws as set forth below in the attached line items:

Majority Vote Required

	TOWN of BECKET	BUDGET	BUDGET	BUDGET	%
	<u>FY. 2007</u>	APPROVED	REQUESTED	RECOMMENDED	Chan
		<u>FY. 2006</u>	<u>FY. 2007</u>	<u>FY. 2007</u>	
	GENERAL GOVERNMENT				
1-	TOWN COUNSEL	\$4,000.00	\$4,000.00	\$4,000.00	0.0%
2-	LEGAL EXPENSE	\$3,000.00	\$8,000.00	\$8,000.00	166.7%
3-	MODERATOR	\$100.00	\$100.00	\$100.00	0.0%
4-	MODERATOR EX.	\$50.00	\$50.00	\$50.00	0.0%
5-	SELECTMENS' SALARIES	\$3,900.00	\$4,500.00	\$4,500.00	15.4%
6-	SELECTMENS' EXPENSES	\$800.00	\$1,000.00	\$800.00	0.0%
7-	ADVERTISING	\$2,000.00	\$2,000.00	\$2,000.00	0.0%
8-	TOWN SECRETARY	\$32,677.00	\$35,750.00	\$35,750.00	9.4%
9-	TOWN ADMIN. SALARY	\$42,500.00	\$44,200.00	\$44,200.00	4.0%
10-	TOWN ADMIN. EXPENSE	\$700.00	\$1,000.00	\$800.00	14.3%
11	FINANCE COMMITTEE	\$450.00	\$2,450.00	\$2,450.00	444.4%
12	ASSESSORS' SALARIES	\$87,186.00	\$96,306.00	\$91,628.00	5.1%
13	ASSESSORS' EXPENSE	\$11,000.00	\$12,960.00	\$12,000.00	9.1%
14	TOWN TREASURER SALARY	\$29,083.00	\$30,640.00	\$30,640.00	5.4%

15	TOWN TREASURER EXP.	\$3,900.00	\$3,700.00	\$3,000.00	-23.1%
16	TAX TITLE	\$4,000.00	\$20,000.00	\$15,000.00	275.0%
17	TAX COLLECTOR SALARY	\$40,560.00	\$44,720.00	\$42,703.00	5.3%
18	TAX COLLECTOR EXPENSE	\$6,000.00	\$6,800.00	\$6,200.00	3.3%
19	ASSIT. TAX COLLECTOR	\$16,632.00	\$15,080.00	\$15,080.00	-9.3%
20	TOWN CLERK SALARY	\$15,810.00	\$21,229.00	\$21,229.00	34.3%
21	TOWN CLERK EXPENSE	\$960.00	\$3,565.00	\$3,200.00	233.3%
22	ELECTION-REGISTRATION	\$5,618.00	\$7,493.00	\$7,493.00	33.4%
23	CONSERVATION COMM.	\$4,000.00	\$7,000.00	\$7,000.00	75.0%
24	PLANNING BOARD EXPENSE	\$3,500.00	\$9,000.00	\$8,750.00	150.0%
25	REGIONAL PLAN COM.	\$1,037.00	\$1,063.00	\$1,063.00	2.5%
26	BOARD of APPEALS	\$1,200.00	\$2,400.00	\$2,200.00	83.3%
	<u>SUBTOTAL GEN. GOVT.</u>	<u>\$320,663.00</u>	<u>\$385,006.00</u>	<u>\$369,836.00</u>	15.3%
	<u>HIGHWAY</u>				
27	GENERAL MAINTENANCE	\$218,300.00	\$237,000.00	\$230,000.00	5.4%
28	VACATION & HOLIDAYS	\$32,826.00	\$31,633.00	\$31,633.00	-3.6%
29	MACHINERY ACCOUNT	\$38,000.00	\$43,000.00	\$43,000.00	13.2%
30	RECONST. of GRAVEL ROADS	\$35,000.00	\$100,000.00	\$62,500.00	78.6%
31	FUEL ACCOUNT	\$40,000.00	\$53,000.00	\$53,000.00	32.5%
32	WINTER ROADS	\$158,700.00	\$183,000.00	\$160,000.00	0.8%
33	STREET LIGHTS	\$6,800.00	\$6,800.00	\$6,800.00	0.0%
	<u>SUBTOTAL HIGHWAYS</u>	<u>\$529,626.00</u>	<u>\$654,433.00</u>	<u>\$586,933.00</u>	10.8%
	<u>SCHOOLS and LIBRARIES</u>				
34	SCHOOL OPERATING	\$1,662,471.00	\$1,769,988.00	\$1,769,988.00	6.5%
35	SCHOOL CAPITAL	\$46,736.00	\$46,019.00	\$46,019.00	-1.5%
36	VOCATIONAL TUITION	\$90,000.00	\$106,000.00	\$106,000.00	17.8%
37	VOCATIONAL TRANSPORT.	\$52,000.00	\$50,400.00	\$50,400.00	-3.1%
38	LIBRARY	\$21,000.00	\$22,000.00	\$21,500.00	2.4%
	<u>SUBTOTAL SCHOOL & LIB.</u>	<u>\$1,872,207.00</u>	<u>\$1,994,407.00</u>	<u>\$1,993,907.00</u>	6.5%
	<u>VETERANS</u>				
39	VETERANS AGENT SALARY	\$1,600.00	\$1,670.00	\$1,670.00	4.4%
40	VETERANS AGENT EXPENSE	\$300.00	\$300.00	\$300.00	0.0%
41	VETERANS BENEFITS	\$1,000.00	\$1,000.00	\$1,000.00	0.0%
42	MEMORIAL DAY	\$400.00	\$450.00	\$450.00	12.5%
	<u>TOTAL VETERANS</u>	<u>\$3,300.00</u>	<u>\$3,420.00</u>	<u>\$3,420.00</u>	3.6%
	<u>CEMETERIES</u>				
43	BECKET CENTER	\$3,000.00	\$3,000.00	\$3,000.00	0.0%
44	NORTH BECKET CEMETERY	\$5,000.00	\$5,000.00	\$5,000.00	0.0%
45	WEST BECKET	\$1,000.00	\$1,000.00	\$1,000.00	0.0%
	<u>SUBTOTAL CEMETERIES</u>	<u>\$9,000.00</u>	<u>\$9,000.00</u>	<u>\$9,000.00</u>	0.0%
	<u>PROTECT. PERSON & PROP</u>				
46	POLICE DEPT. SALARIES	\$135,289.00	\$144,000.00	\$143,000.00	5.7%

47	POLICE DEPT. EXPENSE	\$14,750.00	\$15,750.00	\$15,750.00	6.8%
48	HARBOR MASTER	\$940.00	\$960.00	\$960.00	2.1%
49	OUT REACH PROGRAM	\$1,500.00	\$1,500.00	\$1,000.00	-33.3%
50	CONSTABLE EXPENSE	\$300.00	\$300.00	\$300.00	0.0%
51	FIRE CHIEF SALARY	\$3,425.00	\$4,000.00	\$3,600.00	5.1%
52	FIRE DEPT. EXPENSES	\$15,000.00	\$20,000.00	\$17,500.00	16.7%
53	BUILDING INSP. SALARY	\$39,520.00	\$46,131.00	\$41,544.00	5.1%
54	BUILDING INSP. EXPENSE	\$5,000.00	\$6,150.00	\$5,500.00	10.0%
55	DEMOLITION FUND	\$2,000.00	\$3,000.00	\$2,000.00	0.0%
56	PUBLIC SAFTY INSPECTIONS	\$9,000.00	\$13,000.00	\$13,000.00	44.4%
57	CIVIL DEFENSE	\$50.00	\$50.00	\$50.00	0.0%
58	DOG OFFICER SALARIES	\$10,400.00	\$10,400.00	\$10,400.00	0.0%
59	DOG OFFICER EXPENSES	\$1,030.00	\$1,100.00	\$900.00	-12.6%
60	FORESTRY	\$300.00	\$300.00	\$300.00	0.0%
61	MOTH ACCOUNT	\$100.00	\$100.00	\$100.00	0.0%
62	TREE ACCOUNT	\$7,000.00	\$9,000.00	\$8,000.00	14.3%
	<u>TOTAL PROT. PER. & PROP.</u>	<u>\$245,604.00</u>	<u>\$275,741.00</u>	<u>\$263,904.00</u>	7.5%
	<u>HEALTH & SANITATION</u>				
63	BECKET AMB. SALARIES	\$130,000.00	\$150,000.00	\$150,000.00	15.4%
64	BECKET AMBULANCE DEPT.	\$14,200.00	\$15,650.00	\$15,000.00	5.6%
65	E911 COMMUNICATION	\$4,856.00	\$8,497.00	\$8,497.00	75.0%
66	INSPECTOR of ANIMALS	\$200.00	\$200.00	\$200.00	0.0%
67	TRANSFER STATION	\$87,000.00	\$92,500.00	\$92,500.00	6.3%
68	SOUTH BERK. SOLID WASTE	\$5,800.00	\$6,000.00	\$6,000.00	3.4%
69	BOARD of HEALTH SALARIES	\$18,000.00	\$19,000.00	\$15,000.00	-16.7%
70	BOARD of HEALTH EXPENSES	\$6,000.00	\$7,900.00	\$7,900.00	31.7%
71	LEE VISITING NURSE	\$4,500.00	\$4,500.00	\$4,500.00	0.0%
72	MENTAL HEALTH CENTER	\$515.00	\$515.00	\$515.00	0.0%
	<u>TOTAL HEALTH & SANIT.</u>	<u>\$271,071.00</u>	<u>\$304,762.00</u>	<u>\$300,112.00</u>	10.7%
	<u>UNCLASSIFIED EXPENSES</u>				
73	ACCOUNTING SERVICES	\$17,500.00	\$18,500.00	\$18,500.00	5.7%
74	GENERAL INSURANCE	\$95,000.00	\$72,000.00	\$71,000.00	-25.3%
75	MUNICIPAL BUILDING	\$29,000.00	\$39,005.00	\$39,005.00	34.5%
76	MUNICIPAL UTILITIES	\$48,000.00	\$50,000.00	\$50,000.00	4.2%
77	TOWN REPORTS	\$3,000.00	\$3,000.00	\$3,000.00	0.0%
78	POSTAGE	\$9,700.00	\$10,800.00	\$10,800.00	11.3%
79	COUNCIL on AGING	\$5,000.00	\$5,000.00	\$5,000.00	0.0%
80	RECREATION COMM.	\$10,000.00	\$12,300.00	\$12,300.00	23.0%
81	PARKS COMM.	\$7,000.00	\$7,000.00	\$7,000.00	0.0%
82	HISTORIC COMMISSION	\$650.00	\$650.00	\$650.00	0.0%
83	INT. SHORT-TERM DEBT	\$3,000.00	\$3,000.00	\$2,000.00	-33.3%
84	COUNTY RETIREMENT	\$121,198.00	\$123,025.00	\$123,025.00	1.5%

85	HEALTH INSURANCE	\$200,000.00	\$203,000.00	\$202,000.00	1.0%
86	PAYROLL TAX ACCOUNT	\$13,000.00	\$14,000.00	\$14,000.00	7.7%
87	RESERVE FUND	\$10,000.00	\$10,000.00	\$10,000.00	0.0%
	<u>TOTAL UNCLASS. EXP.</u>	<u>\$572,048.00</u>	<u>\$571,280.00</u>	<u>\$568,280.00</u>	<u>-0.7%</u>
	<u>GRAND TOTAL</u>	<u>\$3,823,519.00</u>	<u>\$4,198,049.00</u>	<u>\$4,095,392.00</u>	<u>7.1%</u>

Article 2 was moved and seconded on the floor. The Moderator stated that he would not read each line item but rather he would announce the heading of each section. If there were to be any questions or discussion of any item, a "Hold" would be asked to be placed on that item. At the end of the process for any line items to be held, all items not having a "Hold" put on them would be voted on. Following this, all line items having a "Hold" would then be voted on separately. The Moderator noted that we are voting on the line items in the third column, Budget Recommended FY 2007. "Holds" were placed on the following line items:

2 - Legal Expenses
11 - Finance Committee

After placing holds on the above two line items, a vote was taken to approve all line items except 2-Legal Expenses and 11-Finance Committee. **All line items except 2-Legal Expenses and 11-Finance Committee passed unanimously.**

Line Item 2 (Legal Expenses \$8,000). Mr. Falk held this item for informational purposes. He explained that this amount was recommended due to litigation associated with Sherwood Forest which is now in federal court and that this amount may be insufficient. A vote was taken and **line item 2, Legal Expenses, passed unanimously.**

Line Item 11 (Finance Committee \$2,450). In response to a question, Mr. Falk noted that the \$2,000 increase over last year is to pay for the expenses associated with his appointment to the Association of Finance Committee Board of Governors that meets in Boston. He will be the only representative from the western part of Massachusetts. Mr. Falk was congratulated on his appointment. A vote was taken and **line item 11, Finance Committee, passed unanimously.**

Article 3: To see if the Town will vote to raise and appropriate the sum of \$43,000.00 for the Stabilization Fund.

Selectmen: Recommend **2/3 Vote Required**
Finance Committee: Recommends

Article 3 was moved by Mike Falk and seconded by Bill Cavanaugh. There was no discussion. A vote was taken and **Article 3 passed unanimously.**

Article 4: To see if the Town will vote to raise and appropriate the sum of \$179,938.00 to fund the bond payment for the following previously debt excluded items:

Becket Washington School	\$137,160.00
Nessacus Regional Middle School	\$ 42,778.00

This must be paid and this article is put on for informational purposes.

Selectmen: Recommend **Majority Vote Required**
Finance Committee: Recommends

Article 4 was moved by Mike Falk and seconded by Doug Walter. In response to a question about line item 35 in Article 2, Mr. Furlong explained that the line items are all non debt excluded capital including a portion of the Becket School. A vote was taken and **Article 4 passed unanimously.**

Article 5: To see if the Town will vote to appropriate the sum of \$148,171.00 to be used for maintenance and reconstruction of Town roads and to fund the appropriation by transferring said amount from available funds with any unspent funds to carry over from year to year until spent by the Town. This sum will be reimbursed to the Town by the Commonwealth of Massachusetts in accordance with Chapter 90 of the Massachusetts General Laws.

Selectmen: Recommend **Majority Vote Required**
Finance Committee: Recommends

Article 5 was moved by Mike Falk and seconded by Bill Cavanaugh. Mr. Elovirta made a motion to amend the article to read as follows:

To see if the Town will vote to accept any monies appropriated by the Massachusetts Highway Department for Chapter 90 use. These funds to be used for maintenance and reconstruction of Town roads and to fund the appropriations 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 will be reimbursed to the Town by the Commonwealth of Massachusetts in accordance with Chapter 90 of the Massachusetts General Laws.

He explained that this is in response to a request from Mass Highway that came to our attention after the warrant was prepared. Unlike in the past, the Town will sign a contract good for ten years and there will be no more Chapter 90 individual articles. The language in the amended article would leave the amount of the appropriation open. The motion to amend the article was seconded on the floor. A vote was taken and the amendment passed. A vote was then taken on Article 5 and **Article 5, as amended, passed unanimously.**

Article 6: To see if the Town will vote to appropriate the sum of \$40,000.00 for the Ambulance Department Salary Account and to fund the appropriation by transferring \$40,000.00 from the Ambulance Department Receipt Reserved Account.

Selectmen: Recommend **Majority Vote Required**
Finance Committee: Recommends

Article 6 was moved by Richard Furlong and seconded by Bill Cavanaugh. There was no discussion. A vote was taken and **Article 6 passed unanimously.**

Article 7: To see if the Town will vote to raise and appropriate the sum of \$9,900.00 for the purchase of the Jaws of Life for the Becket Fire Department.

Selectmen: Recommend **Majority Vote Required**
Finance Committee: Recommends

Article 7 was moved by Doug Walter and seconded by Bill Cavanaugh. There was no discussion. A vote was taken and **Article 7 passed unanimously.**

Selectmen: Recommend **Majority Vote Required**
Finance Committee: Recommends

Article 16 was moved and seconded on the floor. Ms. Swindlehurst made a motion to change the word “defer” to “defray” and it was seconded. A vote was taken to amend the wording of the article by substituting the word “defray” and it passed. In response to a question, Mr. Furlong explained that the Community Recreation Association is in Dalton and that most of our school children play in the Dalton league that is run by this Association. The Association asked all towns in the CBRSD to consider donating a small amount of money to defray the fee increases to participate in a league. If our town participates, the fees for children in Becket will not be raised. A vote was taken and **Article 16 passed unanimously**.

Article 17: To see if the Town will vote to allow the Selectmen to apply for and accept a Small Town Road Assistance Program Grant for no more than \$350,000.00 for the repaving of Algeria Road from the Bonny Rigg Hill Road intersection to the Otis Town line and Bonny Rigg Hill Road from the Algeria Road intersection north to approximately Niskayuna Drive.

Selectmen: Recommend
Finance Committee: Recommends

Majority Vote Required

Article 17 was moved by Mike Falk and seconded by Bill Cavanaugh. Discussion followed on the proposed repaving of Algeria Road. Mr. Elovirta explained that this is a grant request that might not be received and that it could be five years before any work would be done here by the state. He noted that the town does have a liability for the condition of the road and that, because of its condition, it is hard to plow causing wear and tear on town trucks. In response to a question by Mr. Dunn, it was explained that if the grant is awarded its cost of \$10,500 per year would be deducted from the Cherry Sheet usually about three years after the money is spent. In response to a concern, Mr. Elovirta explained that the plan for Algeria Road is to reclaim and repave the road and possibly replace some culverts; there will be no engineering or tree cutting. A vote was taken and **Article 17 passed**.

Article 18: To see if the Town will vote to authorize the municipality to enter into an intermunicipal joint purchasing agreement pursuant to G.L. Ch. 40 § 4A for the provision of technology solutions and related consulting and support services with the Community Software Consortium, preserving the rights and privileges established in prior agreement(s). The duration of this agreement, in accordance to statute, shall be for no more than 25 years, with the ability of the community to withdraw from this agreement at any time. The annual obligation of the municipality under this agreement will be paid from the participating department's expense appropriations. The annual obligation is determined by membership vote pursuant to the consortium's bylaws.

Selectmen: Recommend

Majority Vote Required

Article 18 was moved by Doug Walter and seconded by Richard Furlong. Sue Donnelly explained that this article deals with the software currently being used in the Assessor's Department. The consortium consists of 75 towns in Massachusetts that are using the software. This agreement allows towns in the consortium to participate in determining enhancements, etc. to the software. This year, our contribution would be \$1,700 from the Assessors Expense account. Although we currently are part of this agreement, a town meeting vote is needed for us to enter into an agreement for over a three year term. A vote was taken and **Article 18 passed unanimously**.

Article 19: To see if the Town will vote to amend the General Bylaws of the Town by removing Article 17 Section 15, which reads as follows:

Anyone planning to build a new building shall notify the Board of Assessors within thirty (30) days of the start of construction. (Adopted 1/14/69)

Selectmen: Recommend

Majority Vote Required

Article 19 was moved by Richard Furlong and seconded by Bill Cavanaugh. Mr. Furlong explained that the current bylaw has not been followed since the town has had a building inspector; the building inspector notifies the assessors now. He also noted that the next article is also redundant as smoke detectors and carbon monoxide detectors are now covered by state law and state building code. A vote was taken and **Article 19 passed unanimously**.

Article 20: To see if the Town will vote to amend the General Bylaws of the Town by removing Article 17 Section 16, which reads as follows:

Smoke Detectors for Dwellings Not Otherwise Regulated. MGL Chapter 148, Section 26C. Apartment houses containing six or more dwelling units, hotels, boarding or lodging houses, or family hotels which are not regulated by Sections 26A and 26B shall be equipped with an automatic smoke or heat detector in each dwelling unit and each hallway floor. The Head of the Fire Department shall enforce the provisions of this section. (Adopted 5/10/86)

Selectmen: Recommend

Majority Vote Required

Article 20 was moved by Doug Walter and seconded by Bill Cavanaugh. There was no discussion. A vote was taken and **Article 20 passed unanimously**.

Article 21: To see if the Town will vote to add to the General Bylaws of the Town a Section 21 of Article 17 which reads as follows:

No person shall drink or possess in an open or partially consumed container any alcoholic beverages as defined in MGL Chapter 138, §1, while on, in or upon any public way, or place to which the public has a right to access, excluding premises licensed under said chapter 138, or in, on or upon private lands without the consent of the owner or person in control thereof. A police officer may arrest without a warrant any person who commits a violation of this bylaw in his presence and may seize the alcoholic beverages, which shall be kept by him and destroyed upon adjudication or returned to the person entitled to lawful possession. The penalty for any violation hereof shall be a fine not exceeding fifty dollars (\$50.00) for each offense. The provisions of this section may be penalized by indictment or on complaint brought in the district court or by non-criminal disposition as provided in M.G.L. Chapter 40, Section 21D.

Selectmen: Recommend

Majority Vote Required

Article 21 was moved by Doug Walter and seconded by Bill Cavanaugh. Discussion followed on where in town alcoholic beverages would be prohibited. Mr. Furlong explained that public drinking, especially at the town beach, has been a problem in the last few years and, since we currently have no bylaw against it, the police cannot enforce inappropriate behavior that is the result of public drinking. The bylaw is not intended to prohibit the serving of alcoholic beverages in or on private property where the consent of the owner or person in control of the property has been given. Mr. Elovirta noted that the beach has signs posted indicating that alcoholic beverages are not allowed but this has not been a deterrent; public drinking has also been a problem in other locations in town. Ms. Swindlehurst made a motion to amend the language in the first sentence of the article as follows:

No person shall drink or possess in an open or partially consumed container any alcoholic beverages as defined in MGL Chapter 138, §1, while on, in or upon any public way, or place to which the public has a right to access and which is publicly posted prohibiting the consumption of alcoholic beverages, excluding premises licensed under said chapter 138, or in, on or upon private lands without the consent of the owner or person in control thereof.

The motion was seconded. Discussion followed on the effectiveness, cost and maintenance of posting such signs. Mr. Elovirta reiterated that public drinking is becoming more of a problem in various places in town and that you can't post signs everywhere. A vote was taken on the motion to amend the language and the motion was defeated. A vote was taken on Article 21 and **Article 21 passed**.

Article 22: To see if the Town will vote to amend Article 17 Section 17 which reads as follows:

E-911 Emergency Telephone Service. All houses or telephone locations have been assigned numbers. For new construction, location numbers will be assigned during the permitting process by the Building Inspector. House or location numbers shall be displayed in a conspicuous place, on the building, if the building is within seventy-five (75) feet from the road, or on a signpost approximately five (5) feet high, at the beginning of the driveway. Numbers shall be at least four (4) inches high. Signpost shall not interfere with road maintenance or snow plows. (Adopted 1/20/96)

By replacing it with the following:

Uniform System of Numbering Dwellings and Principal Buildings within the Town. Address numbers for every building within the Town of Becket have been assigned. It shall be the responsibility of the owner to obtain and install the numbers in compliance with this bylaw. The owner of any property seeking a building permit for a new building or structure shall apply for and receive a building number designation from the Highway Superintendent, unless the lot already has a designated number. A building permit will not be issued until a number is designated. Numerals indicating the official number for each principal building of each front entrance to such building shall be placed immediately above, on, or at the side of the main entrance of each

building so that the number can be seen plainly from the street line. Whenever any building is situated more than fifty (50) feet from the street line, or is not visible from the street, the number should be placed to the right of the driveway or common entrance to such building, or upon a gate post, fence, tree, post or other appropriate place so as to be clearly discernible from the street curb line in both directions of travel. Said numbers shall not be less than four (4) inches in height and made of a durable and illuminating, clearly visible material. This Bylaw shall be enforced by the Building Inspector of the Town. Failure to comply with this Bylaw shall subject the offending property owner to a fine not exceeding twenty-five dollars (\$25.00) per day. The provisions of this section may be penalized by indictment or on complaint brought in the district court or by non-criminal disposition as provided in M.G.L. Chapter 40, Section 21D.

Selectmen: Recommend

Majority Vote Required

Article 22 was moved by Doug Walter and seconded by Bill Cavanaugh. Mr. Gorden expressed concern about the type of illuminating building number signs used in historic districts. He made a motion that the word “illuminating” be stricken from the article and it was seconded. Discussion followed on the meaning of illuminating and the proposed size and placement of the street numbers. Mr. Hanford suggested that the fine of (\$25.00) per day be deleted. Mr. Furlong suggested that the fine was to try to force people to comply with putting house numbers on their property and that not doing so endangers the homeowners and the emergency personnel when responding to calls especially at night. Discussion followed on enforcement of this proposed bylaw. A vote was taken on striking the word “illuminating” from the article and it passed. It was moved and seconded that the article be amended by deleting the sentence Failure to comply with this Bylaw shall subject the offending property owner to a fine not exceeding twenty-five dollars (\$25.00) per day. In response to a question from Mr. Dunn, Mr. Furlong indicated that the bylaw would be enforced by the Building Inspector, especially the provision about having house numbers, but property owners would be given a reasonable amount of time to comply with the bylaw before any fines would be imposed. It was stated that the Fire Department sells 911 street number signs (\$20) as a fund raiser. A vote was taken on the motion to delete the sentence about the fine and the motion was defeated. In response to a question, Mr. Furlong noted that multiple buildings on a driveway are given an alpha number. A vote was taken on Article 22 and **Article 22, as amended, passed.**

Article 23: To see if the Town will vote to amend Article 1, Section 3 of the Town Bylaws which reads as follows:

Notice of every Town meeting shall be given by posting an attested copy of the Warrant, calling the same in the Post Office in Becket, Becket General Store, Becket Mini Market, the Main Entrance to Sherwood Forest, Mountain Grove Club, Town Offices bulletin board, Becket Center Guild Hall and other locations as designated by the Selectmen. This posting shall occur not less than seven days before the day appointed for the Annual Town Meeting, or not less than fourteen days for a Special Town Meeting. (Amended 9/28/73, 5/11/91, 1/20/96)

By replacing it with the following:

Notice of every Town meeting shall be given by posting an attested copy of the Warrant, calling the same in the Post Office in Becket, the Main Entrance to Sherwood Forest, Mountain Grove Club, Town Offices bulletin board, Becket Center Guild Hall, Becket Transfer Station, Becket Athenaeum, and other locations as designated by the Selectmen. This posting shall occur not less than seven days before the day appointed for the Annual Town Meeting, or not less than fourteen days for a Special Town Meeting. (Amended 9/28/73, 5/11/91, 1/20/96)

Selectmen: Recommend

Majority Vote Required

Article 23 was moved and seconded on the floor. Mr. Elovirta asked if the warrant would be posted inside or outside the Becket Athenaeum as it might be a problem for the Constable to get inside the building to post the warrant in a timely manner. Following discussion, it was moved and seconded to amend the article by deleting Becket Athenaeum from the article. A vote was taken on the amendment and it passed. Mr. Furlong noted that the Selectmen can still have the warrant posted at the Athenaeum but it won't count against the timeframe within which warrants must be posted. In response to a concern that there is no other place for posting in the north village, Mr. Furlong noted that it can be posted at the General Store once that is reopened. A vote was taken on Article 23 and **Article 23, as amended, passed unanimously.**

Article 24: To see if the Town will vote, pursuant to the provisions of Section 4A of Chapter 40 and Section 59A of Chapter 48 of the Massachusetts General Laws, and to accept the provisions of Section 8G of Chapter 40 of the Massachusetts General Laws, to authorize the Selectmen to enter into mutual aid agreements with other area governmental units for the provision of public health, public works, police, fire, animal control, inspectional services, emergency management and emergency medical services, in accordance with an intermunicipal mutual aid agreement to be entered into between the Town of Becket and the governmental units.

Selectmen: Recommend

Majority Vote Required

Article 24 was moved by Richard Furlong and seconded by Bill Cavanaugh. There was no discussion. A vote was taken on Article 24 and **Article 24 passed unanimously.**

Article 25: To see if the Town will vote to accept Massachusetts General Laws Chapter 41, Section 19J. Additional Compensation for serving as member of board of registrars of voters which reads as follows:

Section 19J. Notwithstanding the provisions of sections nineteen G and nineteen H, a city or town which accepts this section may compensate a clerk of a city or town who also serves as a member of its board of registrars of voters, in addition to any compensation to which such clerk is entitled as city or town clerk, a sum not less than fifty dollars but not to exceed one hundred dollars, and, if the number of registered voters exceeds one thousand, an additional sum of not less than fifty dollars but not to exceed one hundred dollars for each additional thousand of registered voters or major fraction thereof; provided, however, that the total payment for such service as a member of said board shall not exceed four thousand dollars in any year.

Selectmen: Recommend

Majority Vote Required

Finance Committee: Recommends

Article 25 was moved by Doug Walter and seconded on the floor. Mr. Dunn asked the Clerk if the additional amount was already incorporated in the budget. The Clerk responded that an additional \$100 has been provided for this. A vote was taken on Article 25 and **Article 25 passed unanimously.**

Article 26: To see if the Town will vote to accept Massachusetts General Laws Chapter 41, Section 19K. Additional compensation for town clerk which reads as follows:

Section 19K. In any town, that accepts this section, a town clerk who has completed the necessary courses of study and training, and has been awarded a certificate by the Massachusetts Town Clerks' Association as a certified Massachusetts municipal clerk, shall receive as compensation from such town, in addition to the regular annual compensation paid by such town for services in such office, an amount equal to 10 per cent of such regular annual compensation, but not more than \$1,000 per year. In order to qualify for such additional compensation, a town clerk shall submit to the board of selectmen of such town proof of the award of such certificate. The additional compensation provided in this section shall be prorated for any 12 month period in which an eligible person does not hold the office of town clerk for 12 consecutive months. Such additional compensation shall discontinue when certification is discontinued or withdrawn.

Selectmen: Recommend

Majority Vote Required

Finance Committee: Recommends

Article 26 was moved by Doug Walter and seconded by Bill Cavanaugh. Mr. Dunn asked the Clerk if the additional \$1,000 was already incorporated in the budget and the Clerk responded that it is not included in this year's budget. Mr. Dunn noted that, if the Clerk becomes certified in FY2008, the town would be obliged to pay her an additional \$1,000. A vote was taken on Article 26 and **Article 26 passed unanimously.**

Article 27: To see if the Town will vote to establish an Agricultural Commission to represent the Becket farming and agricultural community, as well as other farming and forestry activities.

“The purpose of the Agricultural Commission will be to support commercial agriculture and other farming activities in the Town of Becket. The Commission's duties shall include but will not be limited to the following: serve as facilitators for encouraging the pursuits of agriculture in Becket; promote agricultural-based economic opportunities in Town; act as mediators, advocates, educators, and/or negotiators on farming issues; work for the preservation of agricultural lands; advise the Board of Selectman, Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health, Historical Commission, Board of Assessors, and the Open Space Committee, or any other appropriate Town Boards, on issues involving agriculture; and shall pursue all initiatives appropriate to creating a sustainable agricultural community.

The Commission shall consist of three members appointed by the Board of Selectman, of which the majority of the membership shall be substantially engaged in the pursuit of agriculture. All members of the Commission must either be residents of the town, or owners and farmers of agricultural property within the town.

There may be one or two alternates appointed to the Commission by the Selectmen. The alternates will fill any vacancies at meetings of the Commission.

In making its appointments, the Board of Selectman is asked specifically to consider the intent of the Commission to represent the agricultural interests of the town.

The terms will be as follows: One member for a term of three years; one member for a term of two years and three thereafter; and one member for a term of one year and three years thereafter.

The Board of Selectman shall fill a vacancy based on the unexpired term of the vacancy in order to maintain the cycle of appointments, based upon the recommendations of the Commission.”

Selectmen: Recommend

Majority Vote Required

Article 27 was moved and seconded on the floor. Mr. Dunn asked if the members of this commission would be paid and the response was no. He noted that since the majority of the properties in town are no longer agricultural as they once were and that the second home industry is the primary industry in the town, it is not clear why this article and the next article are being proposed. He asked why we are beginning to move in a direction that is somewhat contrary to the current industry. Ms. Furlong indicated that the town has been an agricultural community for 250 years. Discussion followed on the reasons for creating a farm friendly bylaw when the majority of the town’s residents are not farmers. Mr. Furlong explained that currently, if you own more than 5 acres of property, agricultural pursuits are exempt from zoning bylaws by state law. Article 27 and 28 do not create new law but would allow the town to consolidate existing state statutes and include them in our betterment by-laws. The Commission is there to try to adjudicate issues before they go to court. Mr. Dunn asked if state bylaws trump homeowner association bylaws and the response was no. It was noted that many towns in Berkshire County are now dealing with this issue and that this is a movement that is being seen statewide to try to preserve the idea of farming. Discussion followed on the concerns of both second homeowners and local farmers in regard to the Commission and the Right to Farm Bylaw. A vote was taken on Article 27 and **Article 27 passed unanimously.**

Article 28: To see if the Town will vote to adopt the Becket Right to Farm Bylaw.

BECKET RIGHT-TO-FARM BYLAW

Section 1. Legislative Purpose and Intent

The purpose and intent of this Bylaw is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Articles of Amendment of the Massachusetts Constitution and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9; Chapter 111, Section 125A; and Chapter 128, Section 1A. We the citizens of Becket restate and republish these rights pursuant to the Town’s authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution (“Home Rule Amendment”). This General Bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Becket by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies.

Section 2. Definitions

The word “farm” shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of agriculture. The words “farming” or “agriculture” or their derivatives shall include, but not be limited to the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry, lumbering, or tree-growing operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise;
- keeping and raising of poultry, swine, cattle, sheep, ratites (such as emus, ostriches, and rheas) and camelids (such as llamas, alpacas, and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

“Farming” shall encompass activities including, but not limited to, the following:

- operation and transportation of slow-moving farm equipment over roads within the town;
- control of pests including, but not limited to, insects, weeds, predators, and disease organisms of plants and animals;
- application of manure, fertilizers, and pesticides, according to state law and regulation;
- conducting agriculture-related educational and farm-based recreational activities, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer’s market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products;
- relocation of earth and the clearing of ground for farming operation;
- construction and use of farm structures and facilities for the storage of animal wastes, farm equipment, pesticides, fertilizers, agricultural products and livestock, for the processing of animal wastes and agricultural products, for the sale of agricultural products, and for the use of farm labor, as permitted by local and state building codes and regulations; including construction and maintenance of fences.

Section 3. Right to Farm Declaration

The Right to Farm is hereby recognized to exist with the Town of Becket. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this Bylaw are intended to apply exclusively to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right to Farm Bylaw shall be deemed as acquiring any interest in land, or imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning bylaw. This Bylaw does not supercede local, state or federal laws or regulations or private covenants.

Section 4. Effective Date

This Bylaw becomes effective upon filing with the Massachusetts Attorney General.

Section 5. Disclosure Notification to Real Estate Buyers

In order to allow prospective purchasers to make informed decisions prior to a real estate transaction and to promote harmony between farmers and their new neighbors after a transaction, the Town of Becket requests selling landholders and/or their agents (and assigns) provide written notice to prospective purchasers substantially as follows:

“It is the policy of the Town of Becket to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers that the property they are about to acquire lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Purchasing, and henceforth occupying land within Becket means that one should expect and accept such conditions as a normal and necessary aspect of living in Becket.”

Written notification may occur in one of several ways including but not limited to a disclosure form, addendum to a Purchase and Sale Agreement and should include an acknowledgement by the buyer that they have received notification.

Within 30 days after this Bylaw becomes effective the Board of Selectmen shall make available for use by selling landowners or their agents (and assigns) copies of example notifications.

Within 30 days after this Bylaw becomes effective the Board of Selectmen shall prominently place in the town hall the above disclosure.

Section 6. Resolution of Disputes

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Board of Selectmen, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Board of Selectmen may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed-upon time frame.

The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed-upon time frame.

Section 7. Severability Clause

If any part of this Bylaw is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this bylaw. The Town of Becket hereby declares the provisions of this Bylaw to be severable.

Selectmen: Recommend

Majority Vote Required

Article 28 was moved and seconded on the floor. Mr. Dunn referred to the second paragraph in Section 6 of the bylaw and expressed his concern about statements made earlier that the intention was to create a balanced environment between potentially competing interests for land use in town but that the people appointed as adjudicators for those disputes seem to be heavily weighted towards one side of that potential dispute. He asked for more discussion on this issue. Discussion followed on the role of the Commission, other avenues available to resolve disputes and the wording of Section 6 relative to the Board of Health. It was noted that the Board of Health would have the final say on any matter of public health. Mr. Ronzio noted that the Planning Board and the Agricultural Commission have worked in conjunction with each other on the right to farm issue. He made a motion that the wording in Section 2. Definitions be amended by adding additional wording as follows:

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of agriculture, except that all such activities may be limited to parcels of more than 5 acres in area not zoned for agriculture, horticulture, floriculture or viticulture.

Discussion followed on the suggested wording. In response to a question, Mr. Furlong noted that the whole town is zoned residential/agricultural. The motion to amend the article was changed to read except that all such activities may be limited to parcels of 5 acres or more and it was seconded. A vote was taken on the motion to amend and a card vote was called for by the Moderator. The motion did not pass. Following further discussion on the article, Ms. Swindlehurst made a motion to amend the language in the first paragraph of Section 6. Resolution of Disputes by changing the word "may" to "shall". There was no second. A vote was taken on Article 28 and **Article 28 passed.**

A motion to adjourn was moved and seconded on the floor. The motion passed and the meeting adjourned at 5:08 p.m. The checkers were Election Workers Bonnie Falk and Beverly Gillette.

Respectfully submitted,

Jeanne W. Pryor

Town Clerk