

Special Town Meeting Minutes 7/24/07

Pursuant to the foregoing warrant, a Special Town Meeting was called on July 24, 2007, 7:00 p.m. at Becket Town Hall, 557 Main Street, Becket. There being a quorum present, the meeting was called to order at 7:05 p.m. by the Moderator.

Town Officials introduced: Bruce Garlow, Moderator; William Cavanaugh, John Murray and Doug Walter, Selectmen; Michael Falk, Chair, Finance Committee; Stephen LaBelle, Member, Finance Committee; Gale LaBelle, Chair, Planning Board; Jeanne Pryor, Town Clerk

The Moderator opened the meeting stating the rules to be followed. He asked for a show of hands of non-voters noting that they were welcome to address the meeting but that they may 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 following articles were voted on:

Article 1: To see if the Town will vote to appropriate the sum of \$22,500.00 for the purpose of engaging a company to do initial project design for the Highway Department and Police Facilities Improvement project and to fund this appropriation by transferring said amount from Stabilization.

Selectmen: Recommend

2/3 Vote Required

Finance Committee: Recommends

Article 1 was moved and seconded on the floor. Michael Falk gave an overview of the background leading up to this proposed project. In response to a recommendation in 2006 by the Finance Committee, the Board of Selectmen appointed a long range planning committee to look at Becket's needs over the next 10 to 20 years in terms of major capital improvements. The committee worked with town departments and with guidance from the Berkshire Regional Planning Commission to obtain recommendations and concluded that, in the case of the Highway and Police Departments, there were some serious issues with the size and location of their facilities. The result of these meetings was an initial determination that we should proceed with studying a new location and facility for both departments. The purpose of this article is to enable us to begin the process for initial design work on this project with funding to come from the Town's Stabilization fund. Bill Elovirta distributed information at the meeting and spoke about the specifics concerning the history of the current highway and police facilities and the current needs of these departments.

In response to a question, Mr. Falk noted that a number of locations were discussed but that the site they are considering is the Jacob's Well subdivision (approximately 100 acres) that is currently in land court. It is anticipated that this property will revert to the Town. The design is totally flexible. Tom Matuszko, Assistant Director of the Berkshire Regional Planning Commission, noted that the funding proposed in this article will be for an analysis of the site, a conceptual design and an estimate of the costs involved in this project. Mr. Falk said that the town has not yet determined what the current highway and police department facilities would be used for if the proposed project comes to fruition. A vote was taken and **Article 1 passed unanimously.**

Article 2: To see if the Town will vote to raise and appropriate the sum of \$14,000.00 to be used to pay volunteer firemen a \$15.00 per call response to cover their cost for responding or take any other action thereto.

Selectmen: Recommend

Majority Vote Required

Finance Committee: Recommends

Article 2 was moved and seconded on the floor. John Hall made a motion to amend the article to read:

To see if the Town will vote to raise and appropriate the sum of \$14,000.00 to be used to pay volunteer firemen an amount not to exceed \$550 per year per firefighter to cover their cost for responding or take any other action thereto.

The motion to amend was seconded. In response to a question, Mr. Hall indicated that, instead of being a per call amount, firefighters must attend 50% of their meetings and go on 50% of calls in order to receive the \$550. Mr. Hall surveyed other towns and determined that this request would be an appropriate way to compensate our volunteers for their expenses. His intention is not to change to a paid department. Discussion followed on the number of members in the department and if this appropriation would cover the costs. Mr. Hanford, a 30 year member of the fire department, spoke against the article. He felt that money from the town was not necessary and will not be managed well. He noted that he serves for his neighbors and for his community and will not take the town's money. Mr. Falk noted that the Finance Committee supports this article as it does not represent a huge cost to the town, but will defray the cost of gasoline for firefighters responding to calls. Discussion followed on how the stipends will be documented and managed. Mr. Hanford strongly voiced his opposition stating that if you take one penny you are no longer a volunteer. He suggested that, instead of approving this article, the town provide funds to drill a well for Station 1 or replace a 35 year old engine. A vote was taken on the motion to amend the article, a count was taken and the motion to amend passed. A vote was then taken on Article 2 as amended, a count was taken and **Article 2, as amended, passed.**

Article 3: To see if the Town will vote to rescind the Special Town Meeting vote of May 12, 2007 which accepted the following parcel as a gift and the vote to declare the property as surplus and direct the Board of Selectmen to sell this parcel at a sealed bid sale at their discretion:

B. Map 401, Lot 12 (3.6 acres), located on County Road from the owners John W. and Dorothy M. Trudeau. Recorded in the Berkshire Middle District Registry of Deeds in Book 945, Page 457.

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

Article 3 was moved and seconded on the floor. Mr. Furlong explained that the person who donated this property at the town meeting has died and his heirs do not want to donate the property. **Article 3 passed unanimously.**

Article 4: To see if the Town will vote to accept Massachusetts General Laws Chapter 39, Section 23D or take any other action thereto. A brief synopsis follows:

(a) Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for 1 or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.

(b) By ordinance or by-law, a city or town may adopt minimum additional requirements for attendance at scheduled board, committee and commission hearings under this section.

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

Article 4 was moved and seconded on the floor. In response to a question, Mr. Furlong provided an explanation of this law. **Article 4 passed.**

Article 5: To see if the Town will vote to add to the Town of Becket By-Laws (General By-Laws) a new section titled Significant Buildings or Structures: Permits for Demolition or Relocation, or take any related action thereto.

Majority Vote Required

Article 5 was moved and seconded on the floor. Mr. Gorden noted that this is the by-law that the town passed in 2000 at the request of the Historical Commission. On advice of counsel, approval of this article would move the by-law from the zoning section to the General By-Laws. **Article 5 passed.**

Article 6: To see if the Town will vote to replace, in its entirety, the Town of Becket Zoning By-Laws with the proposed Town of Becket Zoning By-Laws, on file with the Town Clerk, dated June 22, 2007, or take any related action thereto.

Selectmen: Recommend **2/3 Vote Required**

Article 6 was moved and seconded on the floor. Gale LaBelle noted that the members of the Zoning By-law Review Committee have worked for over two years reviewing the zoning by-laws with the assistance of their consultant, Mark Bobrowski. The report of the Planning Board was presented by Mark Bobrowski. Mr. Bobrowski explained that he would review the by-laws section by section and that this re-codification effort was largely an attempt to make the by-laws more user friendly and to bring them up-to-date and in compliance with state law.

Section 1.0 has no changes but added references to the Zoning Act and Home Rule amendment and sets out an introduction to the by-laws.

Section 2.0 has no changes.

Section 3.0 added a Table of Use Regulations to replace extensive pages of text; clarifies those agricultural uses which are exempt from zoning regulations; clarifies family day care and accessory scientific uses; requires Special Permit for certain accessory uses to be done on a 2 acres or greater lot (commercial auto repair and commercial kennels); clarifies home occupations by creating 2 categories (those allowed by right and those allowed by Special Permit); simplifies the process for residential non-conforming single and two-family residences to do reconstructions, extensions, alterations and changes by enabling the Building Inspector to allow these through a Building Permit rather than a Special Permit.

There was a discussion of "Commercial processing of earth, sand, rock, and gravel" under Prohibited Uses; removal is regulated by Section 6. Removal of earth products under Section 6.1 was discussed and it was noted that a current business operating before the by-law change would be grandfathered but could not operate as if you are independent of review.

Section 4.0 did not make changes to minimum lot size, frontage or setback requirements; clarifies definitions of lot width and minimum lot areas (eliminates unusable land from the calculation of 2 acres) and graphics were inserted to illustrate the definitions; each lot must have a width of not less than 160' at all points between the sidelines and the front line of the principal building on the lot; clarified additional lot area per dwelling unit; clarified rules for accessory buildings; prohibited "pods" from being permanently located in any side yard.

The definition of dwelling in 4.2.9 was discussed. There was a discussion of pods and it was noted that they are to be temporary only.

Section 5.0 was renumbered but had no changes.

Section 6.0 was renumbered and placed under Special Regulations but had no changes.

Section 7.0 has no changes. Mr. Bobrowski noted that it is important that this section be looked at in the future.

Section 8.0 has no changes.

Section 9.0 had some re-wording; in 9.1.3 penalty updated to \$300 per statute; 9.2 abbreviated by referring to statute; criteria was added for completeness; added appeal process.

Mr. Gorden noted that Historical Commission was omitted from 9.3.4 and that this should be addressed later.

Section 10 added some definitions for clarification.

Discussion followed in response to a question as to whether or not mini storage units are an allowed use and Mr. Bobrowski referred to section 3.1 noting that it is not allowed. Mr. Ronzio noted that other sections of the zoning by-laws are being reviewed for approval at a later date.

Mr. Gorden reminded the Moderator that the Historical Commission should be added to sections 9.3.4 and 9.4.4. It was moved and seconded to add the words "Historical Commission" after the words Conservation Commission in sections 9.3.4 Review by Other Boards and Agencies (p. 41) and 9.4.4 Review Procedure (p. 42). A vote was taken and the motion passed.

Mr. Hanford thanked Mr. Bobrowski for his sterling presentation noting that it was well prepared and those attending the meeting agreed. Mr. Hanford then asked that this article be taken off the warrant and be placed on the annual town meeting warrant. The Moderator noted that it could not be taken off the warrant but that it could be tabled. He explained that tabling a motion would require a 2/3 vote and is not debatable. A motion was made and seconded to table Article 6 until the annual town meeting. A vote was taken and the motion failed. A motion was made to amend the definition of Warehouse to read: A building used primarily for the storage of goods and materials, for distribution, but not for sale on the premises, including mini storage units." There was no second so the motion failed. A vote was then taken on Article 6, as amended, and **Article 6 passed unanimously.**

A motion to adjourn was moved and seconded on the floor. The motion passed and the meeting was adjourned at 8:26 p.m. There were 52 voters and 6 non-voters in attendance. The checkers were Dorothy Bellavance and Blanche Lennington.

Respectfully submitted,

Jeanne W. Pryor

Town Clerk