

# MINUTES OF TOWN OF BERKLEY SELECTMEN'S MEETING OF 8/5/2020

SELECTMEN IN ATTENDANCE: George F. Miller, Chairman Dean R. Larabee, Clerk Wendy F. Cochrane, Member

TOPIC		ACTION
	Meeting Convened at 6:00pm in the Moitoza – Pettey Hearing Room and via Zoom	
Public Hearing	Public Hearing: In accordance with Chapter 138, §15, of the M.G.L notice is hear by given that the Berkley Board of Selectmen, acting as the Licensing Authority of the Town of Berkley, will hold a public hearing on August 5, 2020 at 6pm in the Moitoza – Pettey Hearing Room at the Town Office Building, One North Main Street, Berkley MA, om the application of Prestige Capital Group, Inc of 11 North Main St, Berkley, MA for the Transfer of Licensee on Off-Premises-15 All Alcoholic Beverages license #0015-PK-0090. The premise consists of one store 3,265 sq. ft building with two set of public doors to enter and exit the building. There is also a service entrance/exit. Cochrane opened the public hearing and read into the record. Atty Porter attorney for Prestige Capital Group and gave a brief run down as to what is happening. Mr Miller asked if they have closed on the property and Atty Porter stated it has not they were waiting for the approval of the liquor license to proceed with a closing date.	Cochrane motion to close the public hearing, Larabee 2 <sup>nd</sup> , voted Cochrane motion to approve application of Prestige Capital Group, Inc of 11 North Min St, Berkley, MA for ta Transfer of Licensee on Off-Premises-15 All Alcoholic Beverages license #0015-PK-0090. The premises consist of one story 3,264 sq. ft. building with two sets of public doors to enter and exit the building. There is also a service entrance/exit., Larabee 2 <sup>nd</sup> , voted.
Minutes	July 22, 2020 Minutes	Cochrane motion to table, Larabee 2 <sup>nd</sup> , voted.
Meeting Mail	Letter from SBRHS School Committee on Resolution: Anti-Racism	Cochrane motion to file, Larabee 2 <sup>nd</sup> , voted.
	Letter from SBRHS School Committee on Resolution; COVID-19 State Funding	Cochrane motion to file, Larabee 2 <sup>nd</sup> , voted.
	Email from Comcast regarding internet essential – Comcast is providing free internet for those that don't have it for 2 months at no cost	Cochrane motion to file, Larabee 2 <sup>nd</sup> , voted.
	2 <sup>nd</sup> Quarter Landfill Gas Monitoring – Mr Miller asked that we put this on the Town website as well	Cochrane motion to file, Larabee 2 <sup>nd</sup> , voted.
	Invitation from SBRHS Graduation 2020 – We have already RSVP's and unfortunately no one is able to attend.	Cochrane motion to file, Larabee 2 <sup>nd</sup> , voted.



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Appointments	Appoint Paul Flint as Constable	Cochrane motion to appoint until June 30, 2020, Larabee 2 <sup>nd</sup> , voted
New Business	Taken out of order COA possibility of opening – Mr Miller asked if someone has asked if there was anyone from the group that was asking to reopen. The Town Administrator stated before anyone speaks the reason for putting this on the agenda was due to the TA stepping into the last meeting of the COA and their concerns of not being able to open. They can not open due to the States phase opening which puts COA's in Phase 4 of the opening plan. The Director of COA has poled other towns and there is only 1 that is currently open for appointments only. And also, the Town of E Bridgewater has a waiver for residents that want to use the COA. When Selectman Cochrane and I stepped in to their meeting that we would try to discuss with the board potential ways the council on aging could open. And at the same time the Friends of the Council on Aging wanted to discuss having some things to happen as well. Mr Miller stated he thinks it is important that we do start this conversation. Elizabeth Monkowski that they are looking to hold some activities the Friends would like to do for the seniors. One is a cookout outside at the Common and the other is a luncheon. One if the issues that was brought to their attention was the restrooms. The Friends provided a proposal on how they would handle the restrooms during the events. Discussion continued. Nancy Thompson, secretary of the COA she also poled other COAs and they are not having inside activities except podiatry and they would like to do that and be able to use the building. Discussion continued. The board would agree to the outside cookout and the use of the restrooms if the BOH was on board.	Cochrane motion allow the Friends of Council on Aging 2 events one on the common on September 7 <sup>th</sup> and October 1, 2020 at the center pending on the state the approval of BOH and approval of common use form, Larabee 2 <sup>nd</sup> , voted.
Soil Board	Update on 4 Freeman St – Taken out of order. Mr Holt stated the contractor never showed up. Mr Miller asked when was the last time he spoke to him. He stated he doesn't know him the neighbor did. Ms Cochrane stated that she knows the contractor and has reached out to him and haven't heard back. Mr Holt stated if it is not done in 2 weeks, he will hire someone and have it taken care of. Mr Miller we will move to put it on the agenda for 2 weeks from now and if the contractor doesn't take care of it then Mr Holt will take care of it.	Cochrane motion to continue for 2 weeks, Larabee 2 <sup>nd</sup> , voted.
Personnel Board	Interview with James Guilmette for the open position with the Fire Department – Mr Miller stated that he applied for the open Firefighter/Paramedic position and came highly recommended from the Fire Chief. He has been employed as a On-Call Paramedic/FF since 2019. Mr Miller asked if the other selectmen had any questions	Cochrane motion to Hire Guilmette as a FF/Paramedic, Larabee 2 <sup>nd</sup> , Voted.
New Business	Taken out of Order – possible sale 34 Green St – Robert Arruda 7 Lewis Dr – Mr Miller asked if the Town Administrator asked explained to Mr Arruda what is entailed. Mr Arruda is looking to build a house for him personally on it. Miller stated that the Town isn't usually in the business of selling land for development. The Town Administrator stated it is a land court title and would need to go to open bid. Miller asked the other members if they had an opinion on selling the land. Larabee stated he would be looking for guidance as to what is involved and what would be the benefit of selling it. Miller stated if we were able to get this to an open bid situation would any of the Selectmen be interested in selling the land. Cochrane stated if there is a cost involved in selling the land Mr Arruda isn't going to be paying the cost if he is not guaranteed. Miller stated the cost would be in the hundreds to a couple of thousand dollars. Miller stated it is was 1 ½ acres of land he may be more inclined to sell. Cochrane stated if they did sell it she would want a deed restriction that only 1 house could be built on it. Larabee stated he thinks it would be more beneficial if we had a better understanding on the impact to the town with deed restrictions and costs to the town. Miller feels that land is an appreciating asset and we are currently not in a position that we need to sell our assets to keep our Police, Fire, or Teachers employed. Miller stated this is a large lot to consider selling if we wanted to build another sports complex, dog park, walking park. Cochrane stated with 10 acres down the road we may need it for something else. Discussion continued about the benefits of keeping this piece of land for the Town's use. Put back on the agenda for 2 weeks.	Cochrane motion to table until next meeting, Larabee 2 <sup>nd</sup> , voted.



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## Old Business

Update on Basketball Court update – Miller asked if anyone has come in for the Historical Commission or Society. Melinda Paine Dupont stated that they are here from both and the Master Plan. Kim Robidoux stated an email went out on June 29, 2020 to the Society through Facebook Messenger but had not received any information back. Melinda stated that she didn't see it. Melinda stated that no one was aware that conversations had taken place at this point. As Master Plan they are diligently working with many meetings and part of that is open space and they just wanted to be apart of the conversation and no one is against the project. Miller stated we checked with Town Council to make sure we have followed all of our rules, and even though this is on the Historic Registration it doesn't really give it extra protection. Melinda stated they are more concerned with the Master Plan and open space. Miller stated he thinks there needs to be a number of people involved in the process. He has been an advocate of getting some of the area of the Common paved. Miller asked a question 2016 if the National recognition of the Common under the National Historic if it would prevent us from paving in the future and he was told no. We double checked with council and while we are required to consult with the Commission to invite them to participate in the discussion it is strictly a courtesy and ultimately is the decision of the Board of Selectmen. Paul Megna stated that the aggregate place is willing to donate the aggregate for the project in memory of the 2 boys who passed away. Miller has stated that there has been several meetings and the Town Administrator and Paul Megna have had multiple conversations. We were looking to hide anything but posted public meetings that has brought us here. Miller paraphrased emails and said they started with we can work this out to moving it and an inappropriate location of it. Melinda stated the emails talked about recommendations, and if in the future if the Board of Selectmen is going to do anything with open space then the Master Plan should be included from the beginning. The Master Plan would like to keep the existing foot print with added benches and fix it up and would love for it to be refurbished. Miller said he didn't think that was an unreasonable request, but the vision of the parents was to make it more user friendly. Miller quoted the email chain the more that this is discussed the more it appears the Common is not the right place for the basketball court. Melinda stated it was as the plan that they received. Miller quoted having 2 courts with lights and a chain link fence isn't appropriate for this space and maybe it needs to be at one of the schools, or the Rezendes park, or maybe even the new Myricks St. He went on to say that is the opposite of what Melinda previously stated. She said it was the double courts as planned. Melinda is saying that basketball court is already there they are not looking to see it removed but would like to have it refurbished. Melinda stated she doesn't want to get too carried away of making this a sports complex. Miller stated it is not a sports complex it is 2 basketball courts. He then went on to say the history of the common is traditionally for activities and events. Cochrane asked how much bigger the courts will be. He stated current court is 100'. Discussion continued with several people talking over each other. Miller stopped conversation and stated to Melinda that she spoke and now we will allow for Paul Megna to speak and provide information. Paul stated he wanted to revitalize the Common's they want to put benches and picnic tables so people will want to go there. Cochrane stated that maybe we need to have a "round table" conversation with all the boards and committees that would be involved. She continued to state the open space doesn't make sense when it is continued to be used as open space just expanding the existing courts. The discussion continued about what the Common means to everyone and that history means something different to everyone. She stated that 2 boys lost their lives that played on that field not Myricks St, not Rezendes field. It is important to their families. And every piece of Town property is important to everyone and children are our history. Miller stated the entire area has fallen has disarray. He stated that he likes history but we have to live for today and the entire Common needs to be revitalized. Larabee stated that the State defines open space defines it as recreational activities such as soccer, tennis and baseball. Marc Oliveira 17 Stanley Ave, wanted to know what is the objection of the project. Is it the fence that goes around the court taking up too much space as we will continue to use the Common as we always have, the Fire Muster, car show, hopefully a carnival. We need to bring people back to the Common. Andrea Perry stated that some of the conversation that they had from the Historical Commission that 2 courts would spread too far into the field and the lighting and fencing doesn't look right there, and who would maintain it. Kim stated that another function of the foundation is to maintain the courts and possible scholarships in the future. It is something that the parents want to do. Larabee stated that when you do pass the Common it doesn't look as nice as we would like it to be, and we can't look sight of the purpose of why they are doing this to 2 citizens that lost their lives to soon. Town Administrator asked Paul Megna is the fence a requirement as it is a big sticking point for many. Paul stated his kids play in Dighton

Informational no action needed.



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the fence is because they wanted to stop the ball from going into the road and kids running through the courts. It was a safety issue and wanted to mulch around it and plant flowers. The Fire Chief also suggested that there could be an issue with the Med Flight landing zone. Paul is meeting with the Chief tomorrow. Joe Freitas stated open space does not mean dead space. He things by adding the extra court it brings the kids back to the Common. Joe continued that this is a tragic occurrence and trying to do the best they can and to make the Community to come together and the kids are the community. It is right next to the Fire Department, Police Department how can you think of putting it someplace else. The complexes are for organized sports. The Common is for pickup games not organized sports. Miller stated he feels that if we had a vote on this, we couldn't be able to accommodate the number of people that support this project. Melinda stated she felt the conversation got off the topic. When they found out about the project, they didn't know how far along it had gotten. They wanted to have a round table discussion to see where the project was didn't want to have a confrontation with anyone. She feels like they are the enemy and they don't support what is happening. Miller stated that is not true they are not treated as the enemy but someone on the opposition. Melinda didn't come to have a discussion but wanted to have a meeting to discuss the plan. Open space does include recreation and it doesn't mean empty space. Melinda felt if the Board of Selectmen wasn't going to include the Master Plan, they should dissolve the Master Plan. She is suggesting a meeting with all parties involved. Discussion continued. Joe Callahan 1 Faria Farm Rd representing the Master Plan wanted to know if the plan was posted on the website or not. He doesn't feel that anyone is opposing it he is not opposing it. He wants to make sure that they are working on what the visual of the future will look like and he didn't want a cookie cutter footprint and wanted to make sure their input to the Selectmen and make sure they knew where the Master Plan was coming from. Miller stated that he feels he is being very genuine and takes him at face value and does believe they are all looking for it to be in the best light for the space. The discussion continued with Paul Megna, Kim Robidoux, Andrea Perry, Mr Miller, Mr Larabee, Ms Cochrane about the thought of what the meeting was about and how they would like to proceed and the esthetics of the current design as well as how to proceed going forward. Mr Miller ended the conversation that we would in a timely manner get a meeting with all the boards and members that need to be to discuss this in its entirety. Miller wants this put on the agenda for the next meeting and hoping the "round table" conversation to happen before the next meeting.

Personnel Board

Assistant Town Clerk – Miller stated that he wants to make sure that each department is covered in case of emergencies. Miller asked the Town Clerk if there is an appointed Assistant Town Clerk she said no and he was under the impression that we had one. The Town Clerk indicated that we do not there would need to be a contract a stipend every department has gotten an Assistant and she would need to have a contract. Mr Miller said we would need to discuss this with the union as the current position is a union position. Miller said it is something we would need to figure out as a stipend or a contractual salary. Miller asked for the Town Administrator to see what the job description would look like and what the compensation would like. Cochrane stated that we would have to post for the union position even if you don't intend to fill it. The union will not allow it to just go away. Miller said he would go with a stipend in the current position. Discussion continued about how previous conversation about a stipend position with or without collective bargaining. Miller put this on the agenda for 2 weeks and have conversation with Town Council on how we can proceed.

Informational no action needed

New Business

New State Travel Order – Cochrane asked if this was all Town Employees. Martin-Sterling said it includes all town employees including the school, public safety, town hall, elected officials. Miller asked Martin-Sterling to summarize the order. The State has stated as of 8/1/2020 if you are coming in from a high-risk state or returning from a high-risk state you need to either quarantine for 14 days or provide a negative test result within 72 hours to returning or arriving to MA. Martin-Sterling stated that other Towns are putting a travel order in place for their town employees. Martin-Sterling went on to discuss the FFCRA that will expire as of 12/31/2020 as of the date of this meeting. The Department Head would need to approve the travel order the Town Administrator approval. Also states that just because it is approved today doesn't necessarily mean you can't be denied as the date becomes closer. Martin-Sterling would like the Board to also discuss the police for Town employees that have house guests that come in form a high-risk

Cochrane motion to approve out of state travel policy, Larabee 2<sup>nd</sup>, Cochrane and Labaree in favor, Miller no vote.



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state or country. Miller asked if we were mandated to do this. Martin-Sterling stated no but other surrounding towns are putting a policy in place. Miller asked if we were going to mandate to sign off on it. Cochrane asked if we would have a sign off sheet. Martin-Sterling said that with the travel order we will also be having a sign off sheet that they received it. Miller asked what are the ramifications if they refuse to fill out the vacation form. Martin-Sterling stated that the Department Head and/or Board of Selectmen could deny their vacation. Larabee stated that he feels it is necessary and even though there may be some redundancy it is necessary. Cochrane stated that hold people accountable.

K-8 chrome books – Martin-Sterling indicated that we have paid for the new Chromebooks for the school with CARES money. The school voted the night before on a hybrid model with 2 days in 3 days out. Martin-Sterling went over that it will prevent the pacing of paperwork and will put a Chromebook in every student from grade 2 – grade 8. Larabee asked if we already have the CARES Act funds Martin-Sterling indicated we currently do not and has an email out to ANF. Miller asked if there is a case, we would have to order them before we got the money. Miller said he would approve the purchase if it was solely from CARES Act funds and if we couldn't we would have to have another vote. Larabee asked if TA was aware of any conversation on how the School Committee plans on maintaining the ongoing purchase to the keep them replenishment. Martin-Sterling indicated the conversation that she had with the Chairman of the School Committee and on how that would work to keep this plan going that we can keep getting new Chromebooks each year. Cochrane asked the cost \$190,848.00 for 448 Chromebooks.

List from the Library regarding old furniture

Zoom meetings for Board of Selectmen – this will b the last zoom meeting unless otherwise needed.

The State last week is tentatively proposing FY20 plus 4,348,000 ESSER \$72,327.00 CARES 171,900.00 Totaling 4,247,675 increase 244,227.00 this is tentative and not voted on. School is looking for possible details for the BCS and BMS for the drop off, could need another bus because of the guidelines, substitute teachers. Surround Care is closes for the year.

Signing of the State Primary warrant

Larabee motion to adjourn next meeting August 19, 2020 Cochrane 2<sup>nd</sup>, voted.

Cochrane motion to approve the purchase K-8 Chromebooks that they are paid for with CARES Act money, Larabee 2<sup>nd</sup>, voted.

Cochrane motion that we are not interested in the old furniture from the Library, Larabee 2<sup>nd</sup>, voted.

Informational no action needed.

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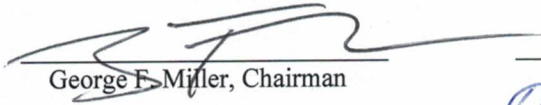
Larabee motion to sign the State Primary warrant, Cochrane 2<sup>nd</sup>, voted.

Town  
Administrator  
Report

Unforeseen by  
the chair

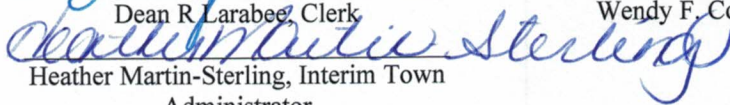
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Heather Martin-Sterling, Interim Town  
Administrator