

MINUTES OF TOWN OF BERKLEY SELECTMEN'S MEETING OF 10/21/2020

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

TOPIC		ACTION
	Meeting Convened at 6:10pm in the Moitoza – Pettey Hearing Room	
Old Business	Board to discuss and approve FAC recommendations. Ms. Martin-Sterling noted that the meeting had just happened prior to the Board of Selectmen meeting. The approvals are as followed: The Library to receive upgrade for fire alarm for \$19,945.00. The school to replace the truck with a sander and plow for \$62,680.00. The Board of Assessors to get computers, printer, and a copier for \$8,900.00. Planning Board for Bylaw Changes for \$25,000.00. Highway Department to complete Building 1 for \$62,000.00 and to complete garage door for Building 1 for \$6,800.00. The Police Department to receive a boat for the Harbor Master for \$24,440.00. MSCA for \$79,164.00 and Stabilization for \$79,164.00. Board of Selectmen voted to approve recommendations from the FAC.	Larabee motion to approve recommendations of FAC, Cochrane 2 nd voted
New Business	Taken out of order. Board to discuss Warrant Article re: School & Parental/ Guardian viewing of Teacher/ Educator within the classroom with School Committee and BTA approval. Mr. Miller stated that he talked with the Chairperson of the school committee and are going to create a subcommittee to look into this and see if it is viable for the town. The Board of Selectmen voted to table.	Cochrane motion to table, Larabee 2 nd voted
Old Business	Board to discuss and approve FY21 Special Town Meeting Budget. Ms. Martin-Sterling noted that the Finance Committee met yesterday. Mr. Joe Freitas, chairperson of the Finance Committee, stated that per guidance of the Board of Selectmen, the Fin Com looked at the budget again and looked at adjustments. He noted that the budget for November was \$2,267,131 and the budget for June was \$17,754,677.00 with a total budget of \$20,096,807.70. Mr. Freitas stated that this budget is prudent and will allow future growth for the town. He also mentioned that Chapter 70 moneys for the school will stay where they are. Mr. Freitas stated that this fiscal year is sustainable and is hoping that the revenue growth will come with businesses coming into Berkley within the next few years. Ms. Martin-Sterling mentioned that there was one change made regarding the expense line item for the Board of Selectmen. The Board of Selectmen voted to approve the FY21 Special Town Meeting Budget from the Fin Com.	Cochrane motion to approve, Larabee 2 nd voted
	Board to discuss and sign off on Town Clerk Grant. Mr. Miller stated that the Board of Selectmen unanimously approved the grant contingent on receiving information from the Town Clerk about where the grant money would be spent. He stated that the \$5,000 grant money would be spent on a ballot drop box, additional postage for mail in ballots, extra staffing for mail in ballots and for election, extra police detail, and unforeseen miscellaneous supplies for the election. Mr. Miller stated that shortly after the last meeting, the Town Clerk posted on Facebook saying that the grant was not approved, which he then stated, was not true, it was only postponed once they received the necessary information. Mr. Miller read the comments from the post. Ms. Lisa Tetreault, 21 Grove St., stated that she has seen many grants go through the Board of Selectmen but has never seen any selectmen ask what the grant is going to be spent on. She stated that grant was to be spent on the upcoming election and there were going to be more expenses because of COVID which should be enough parameter to approve a grant and to question every penny is not the job of the Board of Selectmen. Mr. Miller stated that when the Highway Surveyor brings in a grant, it is quite detailed to exactly what work is going to be performed and explaining what and why he is going to do it. He stated that he is entitled and required to ask where the money is going. He also mentioned that the post on Facebook by the Town Clerk violated the Social Media Policy. Mr. Miller thanked Ms. Tetreault for coming and stating her opinion. Mr. Miller signed the Town Clerk Grant and appreciated the Town Clerk for applying and receiving the grant.	Miller signed the Town Clerk Grant
New Business	Board to discuss Warrant Article re: Aquifer Protection District on the Common. Mr. Miller noted that recently there was an application for a special permit regarding the	Cochrane motion to place on the

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basketball court project on the Common. He stated that the Board of Selectmen had to apply for the permit and that there were several meetings and a special permit hearing. There was a testimony from an engineer who said the well at the Common is no longer in use and that there is another well in service. The Board of Selectmen took it upon themselves and had a bylaw change drafted. Mr. Miller stated that there were some untrue accusations made on Facebook. He noted that the Planning Board had been consulted and scheduled a public hearing. Mr. Miller mentioned that the Planning Board used the advice from the engineer that was brought in last time to help make their decision. Ms. Nancy Thompson, Bay View Avenue, asked if they started tearing up the courts yet. The Board of Selectmen informed her that they had. Ms. Deborah Pereira stated that there is a 20-day appeal period according to the Mass General Law and asked why they had already started the project. Mr. Miller stated that they did not have a problem with them starting early. Ms. Pereira stated that she is not trying to stop it, she is just concerned. Mr. Miller stated that people worked hard for this project. He thanked Ms. Pereira for bringing it to their attention but will not be taking any action on it. The Board of Selectmen voted to place the Article regarding Aquifer Protection District on the Common on the Warrant.

Warrant, Larabee
2nd voted

Board to discuss Warrant Article re: Town Clerk Appointment from Elected. Ms. Pereira, Town Clerk, asked for an explanation of why. Mr. Miller stated that the people will decide at Town Meeting. She asked why do it now and cost the taxpayers more money to hold a special election. Mr. Miller then noted that Ms. Jeanne Russo had mentioned before making all positions appointed rather than elected. Ms. Martin-Sterling recited the Mass General Law Chapter 41 Subsection 1B regarding the 60 day wait period. Mr. Miller stated that they have gone through this process with different positions before but the people will ultimately decide. He stated that they have legitimate reasons to do so. Ms. Pereira noted that she is elected until 2023. Ms. Nancy Thompson, mentioned that there are 12 elected positions and 11 pointed. She noted that Mr. Rob Rose, holds 3 positions. She stated what concerns her is that it becomes a popularity contest and it becoming a quid pro quo. Mr. Miller stated that positions that require training, skill, etc. are appointed by the Board of Selectmen. He stated that they appoint some of the most important, higher paid jobs in town. Mr. Miller said that we have been fortunate to have qualified people run. He then mentioned that there could be issues with performance if someone who is elected has no idea or qualifications for that job. Ms. Thompson stated that it seems the Board of Selectmen is making this about one person. She is worried that the power might become top heavy. Mr. Miller stated that appointed employees are paid much differently than elected officials. He stated that the Town Clerk's job is very difficult and a lot of work and is not paid properly, along with the Tax Collector and Treasurer. Mr. Miller noted again that this has been brought up in the past with other positions and is not focusing on just one person. Ms. Wendy Cochrane, speaking as Tax Collector and Treasurer, stated that the Tax Collector and Treasurer position is also being considered to be changed to appointed. Ms. Martin-Sterling did a study of south coast communities, 22 communities stated that the Treasurer and Tax Collector position is appointed in 19 of them, the Town Clerk is appointed in 3 of them with 2 other towns are looking to make it appointed. Ms. Cochrane mentioned that it was recommended that the Treasurer and Tax Collector be combined. She stated that they were trying to figure out how to combine those positions because they are up at different times. She stated it was not put on the agenda tonight because more research was needed to be done. Ms. Cochrane stated that she does not believe one position should be singled out. She stated there is no criteria for someone to pull papers to run for an elected position. Ms. Cochrane stated that the Treasurer position, above all else, should be appointed. Ms. Tetreault asked if a criterion to be certified could be put in for those running. Mr. Miller stated that certification is no guarantee of performance. He stated if they cannot put all three positions on the warrant, they will not put just one and address it in the future. Ms. Tetreault stated that all elected officials should be certified. Ms. Cochrane read the letter from the Mass Collector and Treasurer's Association regarding her certifications. Ms. Russo stated that there needs to be a deeper discussion about these positions. She stated that it is not appropriate to put on the warrant for a special town meeting, it needs to be addressed at annual town meeting. Mr. Larabee mentioned that changing these positions might increase costs over time, especially it being a tight budget year. Regarding the power concern, Mr. Larabee asked what a Personnel Board/ Appointing Authority would look like to have some sort of balance. Ms. Martin-Sterling stated that all appointed officials report to her, Town Administrator, and then through her to the Board of Selectmen. Ms. Martin-

Cochrane motion to
table, Larabee 2nd
voted

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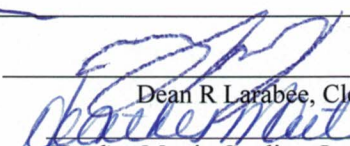
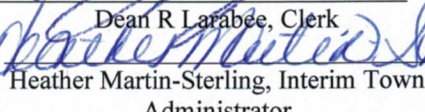
Sterling then mentioned that the Personnel Board would be in charge of hiring, not supervising. Via Zoom, Ms. Joan Blake stated that it is not the time to put it on due to the pandemic. Speaking as a tax payer, Ms. Martin-Sterling stated that she doesn't agree that they should wait until Annual Town Meeting, as a few other towns are trying to put it on their Fall meeting as well. She stated again that there are no qualifications to pull papers. She stated that she would be a big advocate to put it on again in June if it did not pass this time. Mr. Joe Freitas stated that over the last 3 or 4 Annual Town Meetings, voters chose to keep the Highway Surveyor, Tax Collector and Treasurer position elected. He stated that there needs to be some accountability for elected officials. He also stated that the Board of Selectmen play a pivotal role and it would be remiss on them to not place this information for the electors to make a decision. Mr. Freitas stated that he agrees that it needs to be done and not keep waiting. Mr. Rob Rose, 93 Locust St, stated that one of the great freedoms in this town is that people are able to vote who they want in office and who they don't. He stated that a lot of veterans would be offended if this right was taken away from citizens. He stated that he understands it is to protect the town but goes back to the fundamentals of the county. Mr. Miller appreciated Mr. Rose's opinion and stated that he values the right to vote as well but thinks there is a distinction. Ms. Sheila McGillicuddy, 640 Berkley St, stated that when people pull papers, they know what they are making and signing up for. Ms. McGillicuddy asked why all three positions were not put on the agenda. Ms. Martin-Sterling stated that the agenda has to be posted 48 hours in advance and they did not have enough information on the other two positions Monday afternoon. Mr. Larabee stated that he thinks they are moving a little fast, however, doesn't have an issue letting the voters decide. He stated something this big would be better to talk about over a longer period of time. Ms. Martin-Sterling mentioned that if any articles pass at Special Town Meeting, they would also have to be voted on at the Annual Town Election in May. She stated that last time they tried to change the Highway Surveyor position to appointed, it passed at Town Election but failed at Town Meeting. Ms. Cochrane stated that she agrees with Mr. Larabee that it needs further discussion and to get more concrete information. Mr. Miller stated it would give them 6 or 7 months to talk about it and talk about it regularly at future meetings. The Board of Selectmen voted to table the discussion regarding the Town Clerk Appointment.

Adjournment

Ms. Cochrane stated the next meeting will be Monday, October 26, 2020 at 9:30 A.M. in the Council on Aging room. The Board of Selectmen voted to adjourn.

Cochrane motion to adjourn, Larabee 2nd voted


George F. Miller, Chairman


Dean R. Larabee, Clerk

Heather Martin-Sterling, Interim Town Administrator


Wendy F. Cochrane, Member