

MINUTES OF TOWN OF BERKLEY SELECTMEN'S MEETING OF 09/29/2021

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

TOPIC		ACTION
	Meeting Convened at 6:03p.m. in the Moitoza – Pettey Hearing Room	
Public Hearing	<p>Pursuant to Article 21, “Zoning,” Section 7C, “Special Permits,” of the General Bylaws of the Town of Berkley, the Board of Selectmen will hold a public hearing on September 29, 2021 at 6 p.m. in the Hearing Room at the Town Office Building, One North Main Street, Berkley, Massachusetts, regarding the application of Bruno Lopes for a special permit to operate a home office for LB & Sons Construction Co to register his business for business mail and HIC License at property known as and numbered 88 Jerome St, Berkley, Massachusetts, further identified in the Assessor’s records at Map 9, Lot 29-04. Interested parties are welcome to attend and comment. A copy of the aforesaid application is on file with the Town Clerk and is available for public inspection during the Town Offices’ regular business hours.</p> <p>Bruno Lopes, 88 Jerome Street, spoke on why he is looking to get this special permit. Miller asked Lopes, to be clear, all you’re asking for is to have his business license renewed under this address and receive mail at the location, not to have any equipment or customers at the home. Lopes said yes that’s all he’s looking to do and all the work is being done at the customer’s home. Nobody from the public spoke.</p> <p>Joseph Biszko, Building Inspector, stated he has no problem with the special permit application.</p> <p>Miller suggested to have Town Council draft a decision and make a vote at the next meeting.</p>	<p>Larabee motion to open the public hearing, Cochrane 2nd, all voted</p> <p>Larabee motion close the public hearing, Cochrane 2nd, all voted</p>
Personnel Board	<p>Taken out of order. The board met with Amanda Greco, for the position of a temporary Fire Fighter Paramedic.</p> <p>Berkley’s Fire Chief was present and gave his recommendation for Greco.</p>	Cochrane motion to hire, Larabee 2 nd , all voted
New Business	<p>Taken out of order. The board reviewed the agenda request form from David Barwick regarding his complaint with the Zoning Officer and Babbitt Way.</p> <p>David Barwick, 6 Babbitt Way, read a statement of his perspective of the history of the special permit denial for 11 Babbitt Way. Miller explained that the Board of Selectmen are not an enforcement board and feels these complaints may be out of the boards hands.</p> <p>Barwick said he submitted a letter on September 8th to the Zoning Enforcement Officer. Upon giving this letter, Joseph Biszko told Barwick he would be on vacation for three weeks. Barwick said received a letter from the backup Zoning Officer. The board cleared up that this was a clerical error and that he is not the backup Zoning Officer, he is only the backup Building Inspector. Barwick gave information and pictures to the board of what he thinks is illegally happening on the farm that is not considered agricultural.</p> <p>Karen McSweeney, 6 Saints Way, asked how many vehicles are allowed on the property. Miller replied by saying due to no special permit being issued, there is no limit.</p> <p>Harry Eliopoulos, the Rodrigues’s attorney, who was just recently retained, stated they will do what they need to do to be within the bylaws. Discussion continued on the fine line with what is and isn’t agricultural.</p> <p>Ms. McSweeney is concerned that the Rodrigues’ are using other properties and building a road to exit onto Saint’s Way. Attorney Eliopoulos stated that they have nothing to do with the road the neighbor is building.</p> <p>Mr. Frank Vaz, 9 Babbitt Way, questioned if volleyball and soccer are considered agricultural. Mr. Miller stated he is going to talk with the Building Inspector to review these items. Mr. Miller also stated that they need to differentiate between their own private parties and agricultural activities. He noted that since there is no special permit, the determinations are made by the Building Inspector. Mr. Vaz stated that the noise is unbelievable and states the neighbors are being harassed. Ms. Martin-Sterling explained agriculture use versus chapter land.</p> <p>Taken out of order. Board to review and discuss the equipment condition list the Highway Department provided. Chapter 90 monies have generally been used for roads and large equipment in the past. Mr. Rose stated he is hoping the town can come up with a plan to include these items for purchasing in the future. Mr. Rose went through the list he provided.</p>	<p>Informational, no action needed</p> <p>Informational, no action needed</p>

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<p>Minutes</p>	<p>Mr. Miller stated the Financial Advisory Committee will be meeting soon for Special Town Meeting and will discuss that. Mr. Miller agreed that there is a significant need for some of these vehicles. Mr. Rose stated that he's going to need Chapter 90 monies this year for significant road repairs. He stated that he doesn't want to buy a whole truck, he is looking for a tank or trailer. Mr. Larabee stated that an itemized list of age and condition of equipment is very helpful and hopes that the Financial Advisory Committee and the Finance Committee can come up with a recommendation for it. Mr. Joe Freitas stated that the Town will need to come up with investment process for the Highway Department.</p> <p>June 23, 2021 – Regular Session Minutes June 23, 2021 – Executive Session Minutes September 15, 2021 – Regular Session Minutes September 23, 2021 – Regular Session Minutes</p>	<p>Larabee motion to table, Cochrane 2nd voted, all voted</p>
<p>Old Business</p>	<p>Board to continue discussion of the use of the Common in respects to the Library's outdoor area. Ms. Cochrane stated she spoke with local contractors who are going to fix the Gazebo and sand and seal it for no cost to the Town. She suggested meeting in the spring to discuss best area of use of the common.</p> <p>Board to review and sign letter of support for the Cable TV Advisory Committee regarding State Legislative Bill HD 114, SD834. Mr. Miller read letter into the record. Mr. Ed Dugan gave brief explanation. The Board of Selectmen voted to sign letter of support.</p>	<p>Informational, no action needed</p> <p>Cochrane motion to sign letter, Larabee 2nd voted, all voted</p>
<p>New Business</p>	<p>Taken out of order. Board to review letter from Lori & Mark Fornier in regards to purchasing land on Bryant St. Mr. Mark Fornier, 6 Bryant St, stated he lives next to the property and is looking to purchase it. Mr. Miller stated that the town isn't interested in selling property at the moment.</p> <p>Taken out of order. Board to review the request from Scott Burgess to purchase land on Green St. Mr. Burgess noted that the 5.2 acres property he is looking to buy from the Town is land locked and has no frontage. Ms. Martin-Sterling stated that the Town could grant him an easement. Mr. Miller stated they would put it on the agenda again and speak with the building inspector and Town Council.</p>	<p>Informational, no action needed</p> <p>Informational, no action needed</p>
<p>Old Business</p>	<p>Common Baseball Improvement Committee. Ms. Martin-Sterling stated that no one has reached out to serve on the committee yet. The Board of Selectmen voted to table Common Baseball Improvement Committee.</p> <p>Board to discuss the Myricks Street Project. Ms. Paula Dugan asked for her letter to be read into the record. Mr. Miller read the letter into the record.</p> <p>Board to set a date for Special Town Meeting. Possible dates were discussed. The Board of Selectmen decided on November 22, 2021. The Board of Selectmen voted to schedule the Special Town Meeting on Monday, November 22, 2021.</p> <p>Board to continue discussion for a Special Election. Date possibilities were discussed. The Board of Selectmen voted to schedule the Special Election for Saturday, December 11, 2021 for two vacant positions, Town Clerk and Town Moderator.</p> <p>Board to continue the discussion regarding the position of the Animal Control Officer. Ms. Martin-Sterling stated that she is still waiting to meet with the Chairman of the Finance Committee for more information.</p>	<p>Larabee motion to table, Cochrane 2nd voted, all voted</p> <p>Informational, no action needed</p> <p>Larabee motion to schedule Special Town Meeting, Cochrane 2nd voted, all voted</p> <p>Cochrane motion to schedule Special Election, Larabee 2nd voted, all voted</p> <p>Informational, no action needed</p>

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	Board to review and sign the Highway Departments completed contract. Town Council has not responded. The Board of Selectmen voted to table the reviewing and signing of the Highway Departments completed contracts.	Cochrane motion to table, Larabee 2 nd voted, all voted
New Business	Board to discuss the Dog Licensing Program with the Town Clerk. Ms. Martin-Sterling stated that the Town Clerk had asked to table the discussion because she could not be there. The Board of Selectmen voted to table the discussion regarding the Dog Licensing Program with the Town Clerk.	Cochrane motion to table, Larabee 2 nd voted, all voted
	Board to review and sign the final drafted letter to the Local Elections Districts Review Commission regarding the 2020 Re-Precincting Plan for the Town of Berkley. The Board of Selectmen voted to approve and sign the final drafted letter to the Local Elections Districts Review Commission regarding the 2020 Re-Precincting Plan for the Town of Berkley.	Larabee motion to approve and sign, Cochrane 2 nd voted, all voted.
	Taken out of order. Board to review the letter from Patrick McCrohan in regards to purchasing land on Bayview Avenue. Ms. Martin-Sterling stated that Mr. McCrohan is no longer interested. The Board of Selectmen took no action.	Informational, no action needed
	Board to review the request to use the Common for a "Rosary Rally" prayer group on Saturday, October 16, 2021 from 12:00pm-2:00pm. The Board of Selectmen voted to approve the use of the Common for a "Rosary Rally" prayer group on Saturday, October 16, 2021 from 12:00pm-2:00pm with no rain date.	Cochrane motion to approve, Larabee 2 nd voted, all voted
	Board to review and approve updated Class I, II, and III Motor Vehicle Dealers Licenses procedures. Mr. Miller stated he wanted to send it to Town Council for review. The Board of Selectmen voted to table to review and approve updated Class I, II, and II Motor Vehicle Dealers Licenses pending review of Town Council.	Cochrane motion to table, Larabee 2 nd voted, all voted
Town Administrators Report	The Town Administrator stated that she had no report.	No action needed.
Finance Committee Update	Mr. Freitas stated that he is meeting with the Town Administrator tomorrow and will meet with the Finance Committee after to discuss.	Informational, no action needed
Public Input	Mr. Miller read the letter from the Massachusetts Collectors and Treasurers Association into the record regarding Ms. Cochrane passing her Massachusetts Collectors exam and becoming a certified Collector. Mr. Miller congratulated Ms. Cochrane.	Informational, no action needed
Personnel Board	Board to accept the resignation from the Administrative Assistant for the Board of Selectmen and Town Administrator. The Board of Selectmen and Town Administrator wished Ms. Dion well. The Board of Selectmen voted to accept the resignation from the Administrative Assistant for the Board of Selectmen and Town Administrator.	Cochrane motion to accept resignation, Larabee 2 nd voted, all voted
	Board to discuss posting the open positions for the Administrative Assistant for the Board of Selectmen. Ms. Martin-Sterling asked to be able to post internally and externally. The Board of Selectmen voted to allow the position of the Administrative Assistant for the Board of Selectmen and the Town Administrator to be posted as previously posted.	Cochrane motion to post the position, Larabee 2 nd voted, all voted
	Unforeseen by the Chairman. Mr. Miller read the resignation letter from George Faria, as Town Office Maintenance. The Board of Selectmen voted to accept the resignation letter from George Faria and to post the position of Town Office Maintenance Officer. Ms. Cochrane thanked Mr. Faria for his dedication.	Larabee motion to post position and accept the resignation, Cochrane 2 nd voted
	The Board of Selectmen voted to go into Executive Session under Chapter 30A §21(a)2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to	

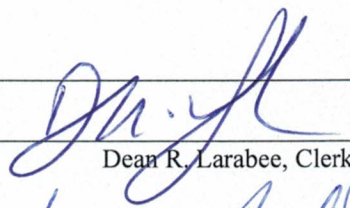
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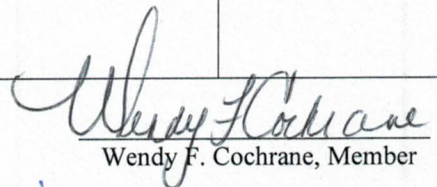
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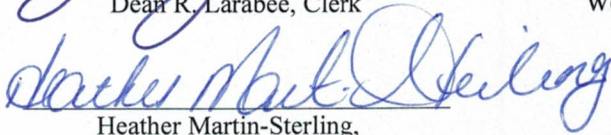
conduct collective bargaining sessions or contract negotiations with nonunion personnel and to not return to regular session. Ms. Cochrane recused herself from Executive Session. The next scheduled meeting is Wednesday, October 13, 2021 at 6:00pm.

Larabee motion to go into Executive Session and not return to Regular Session, Miller 2nd voted, both voted, Cochrane recused.


George F. Miller, Chairman


Dean R. Larabee, Clerk


Wendy F. Cochrane, Member


Heather Martin-Sterling,
Interim Town Administrator