

# MINUTES OF TOWN OF BERKLEY SELECTMEN'S MEETING OF 7/20/2022

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

TOPIC		ACTION
	Meeting Convened at 4:35pm in the Moitoza – Pettey Hearing Room	
Appointments	Taken out of order. Board to promote and appoint Derick Freire as a Full-Time Police Officer. The Board of Selectmen voted to promote and appoint Derick Freire as a Full-Time Police Officer with a term to expire June 30, 2023.	Cochrane motion to appoint Derick Freire, Larabee 2 <sup>nd</sup> motion, all voted in favor.
Personnel	Board to have a joint meeting with Council on Aging to interview and possibly appoint Julia Wheatley as COA Director. The Board of Selectmen voted to table the interview with Julia Wheatley.	Larabee motion to table, Cochrane 2 <sup>nd</sup> voted, all voted in favor.
	Board to interview Ashleigh Haslam, Kathleen Silva, and Kassey Korona for the Town Accountant position. Mr. Miller stated that Kathleen Silva will not be interviewing. The Board of Selectmen interviewed Ashleigh Haslam and Kassey Korona for the Town Accountant position. Mr. Larabee stated that having another candidate, to have three, may be beneficial. The Board asked Ms. Tigano to look into references for both candidates.	Informational, no action was taken.
Meeting Mail	Board to review email from the Massachusetts DEP dated June 24, 2022, regarding the Diesel Emission Reduction Act Electric Solicitation Grant. The Board of Selectmen voted to file.	Larabee motion to file, Cochrane 2 <sup>nd</sup> motion, all voted in favor.
	Board to review email from the Massachusetts DEP dated July 6, 2022 regarding the Massachusetts Revolving Fund Project Solicitation 5. Mr. Miller advised forwarding the email to Board of Health, SRPEDD representative, and Rob Rose; Highway Surveyor with our Interim Town Administrator to follow up on. The Board of Selectmen voted to file.	Larabee motion to file, Cochrane 2 <sup>nd</sup> motion, all voted in favor.
	Board to review email dated July 5, 2022 from the Office of Congressman Jake Auchincloss regarding DOT Reconnecting Communities Grant Program. The Board of Selectmen voted to file.	Cochrane motion to file, Larabee 2 <sup>nd</sup> motion, all voted in favor.
	Board to review email dated July 12, 2022 from the Office of U.S. Senator Edward J. Markey regarding New DOT & NOAA Grant Opportunities. The Board of Selectmen voted to file.	Larabee motion to file, Cochrane 2 <sup>nd</sup> motion, all voted in favor.
Old Business	Board to sign Bristol County ARPA Grant Agreement for the funding of the School Communications Upgrade Project. The Board of Selectmen signed the Bristol County ARPA Grant Agreement.	Informational, no action needed
New Business	Board to approve and sign Common Use Questionnaire for the Crosby – Couto Basketball 3V3 Tournament to be held on Saturday, August 13, 2022 from 11:00 a.m. to 4:00 p.m. Rain date will be August 14, 2022. The Board of Selectmen voted to approve and sign Common Use Questionnaire for the Crosby – Couto Basketball 3v3 Tournament.	Cochrane motion to approve, Larabee 2 <sup>nd</sup> voted, all voted in favor.
	Board to approve and sign Common Use Questionnaire for the Berkley Garden Club Mum Sale to be held on Saturday, September 10, 2022 from 9:00 a.m. to 2:00 p.m. The Board of Selectmen voted to approve and sign Common Use Questionnaire for the Berkley Garden Club Mum Sale.	Cochrane motion to approve, Larabee 2 <sup>nd</sup> voted, all voted in favor.
	Taken of out order, unforeseen by the chair. The Board voted to add the information from Locke and Lorde regarding the \$750,000 capital expeditor bonds as it is unforeseen by the Chair. Mr. Larabee read the information into the record. Mr. Larabee pointed out a statement in regard to proper positing of the information. The Board of Selectmen voted to table.	Larabee motion to add it to the agenda, Cochrane 2 <sup>nd</sup> voted, all voted in favor.

Taken out of order, unforeseen by the Chair. Mr. Miller read the letter from the Town Clerk regarding voting and asked to discuss this at a later date.

The Board of Selectmen voted to go into a 5-minute recess.

Taken out of order. Board to discuss posting of Police Chief vacancy. The Board discussed posting for a part time chief administrative vs a full time chief and agreed a full-time chief would be best for the Town. The pay range would be \$115,000 – \$125,000. Mr. Miller discussed the potential posting and the guidance from Town Council. Police Chief Labonte, Sargent Newhook, and Officer Bernard were present. The Board of Selectmen voted to table the posting of the Police Chief vacancy.

Taken out of order. Board to discuss Storm Water update. Joe Callahan gave Storm Water update.

The Board of Selectmen voted to open the public hearing in accordance with Massachusetts General Laws Chapter 138, Section 15, notice is hereby given that the Town of Berkley Board of Selectmen will hold a public hearing on Wednesday, July 20, 2022, at 6:00 p.m., upon the request of Berkley Beverage Corp., d/b/a Bristol County Wine & Spirits, located at 20R Jerome Street, Berkley, Massachusetts 02779, to consider its application for approval of a new off-premises § 15 all-alcoholic beverages license, a.k.a. a package store license, at 128 Myrics Street Units 3 & 4, Berkley, Massachusetts, 02779. The public hearing will be in the Moitoza-Petty Hearing Room at the Town Hall, One North Main Street, Berkley, Massachusetts, 02779. Comments can also be sent to the Board of Selectmen, either by mail, to Ashley Tigano, Administrative Assistant to the Town Administrator and Board of Selectmen, One North Main Street, Berkley, Massachusetts 02779, or via e-mail, to selectmen.clerk@berkleyma.us, prior to the date and time of the public hearing. The requestee, Thomas George, 20R Jerome Street, was present. The Board of Selectmen voted to approve a new off-premises § 15 all-alcoholic beverages license, a.k.a. a package store license to Berkley Beverage Corp., d/b/a Bristol County Wine & Spirits. The Board of Selectmen voted to close the public hearing.

The Board of Selectmen voted to go into a brief recess and to reconvene at 6:30pm.

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 July 20, 2022, at 6:30 pm in the Moitoza – Petty Hearing Room at the Town Office Building, One North Main Street, Berkley, Massachusetts, regarding the application of Michael Ricardo for a special permit for a "private motocross track – club structure" at property known as and numbered 1 Ricardo Way, Berkley, Massachusetts, further identified in the Assessor's records at Map 16, Lot 0005. Interested parties are welcome to attend and comment; persons wishing to be heard should appear on the date and at the time and place designated above. Comments can also be sent to the Board of Selectmen either by mail, c/o Heather Martin, Town Administrator, One North Main Street, Berkley, Massachusetts 02779, or via e-mail, to selectmen@berkleyma.us, prior to the date and time

Larabee motion to table. Cochrane 2<sup>nd</sup> voted, all voted in favor.

Larabee motion to go into recess, Cochrane 2<sup>nd</sup> voted. All voted in favor.

Larabee motion to table, Cochrane 2<sup>nd</sup> voted. All voted in favor.

Informational, no action needed.

Larabee motion to open the public hearing, Cochrane 2<sup>nd</sup> motion.

Larabee motion to approve, Cochrane 2<sup>nd</sup> voted. All voted in favor.

Larabee motion to close the public hearing, Cochrane 2<sup>nd</sup> voted. All voted in favor.

Larabee motion to go into recess, Cochrane 2<sup>nd</sup> voted, all voted in favor.

Larabee motion to open public hearing, Cochrane 2<sup>nd</sup> voted, all voted in favor.

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of the public hearing. A copy of the referenced application is on file with the Town Clerk and is available for public inspection during the Clerk's regular business hours. Town Council, Adam Costa, gave overview of the hearing and the special permit. Mr. Miller listed all of the applicable documents and correspondence The Board has for the special permit into the record for reference. Michael Ricardo, 1 Ricardo Way, gave presentation of the track proposal. Mr. Ricardo discussed sound barrier improvements, dust control, hours of operation, traffic reduction, and benefits for the community. He stated it would not be open to the public. Discussion continued. Kathy Petsey, Sharon, MA, stated she is in favor of the Bike Track. Craig Reale, 35 Plain St E, stated he is personal friends with the Ricardo's, and rides on the track. Mr. Reale mentioned it was a reason he moved into Town. He also stated he is the closest house to the track as Ricardo Way runs along his property and thinks it is not a large impact on the neighborhood. James Cote, 545 Berkley St, stated that he and his family rides there. He agreed with Ms. Petesy, as it offers a safe outlet for people to ride. John Derocher, 2 Osprey Dr, noted the dirt bike problem in other towns and stated that having the bike track gives more control. Mr. Ricardo's daughter stated she thinks it is unfair as they have been riding for 7 years. Joe Freitas, 18 Country Ln, commented on the situation. He noted that it is a community within a community and hopes the Board of Selectmen can be the arbitrator of both sides and comprise and approve the permit for Berkley residents. Discussion continued. A Taunton fire fighter and resident commented and is favor of the track. He stated it is a safe and family-oriented community. An Easton resident commented in favor of the track. He stated that each time he has been to the track, it has been a majority of children riding. Another nonresident commented in favor of the racetrack. A Carver resident stated that she has a racetrack on their property. She noted that their property is much smaller than the Ricardo's and they were able to come to a compromise with their neighbors. A Lowell resident stated he supports the racetrack on the Ricardo property. Jean Dooley 57 Plain St E read a statement into the record against the racetrack. She mentioned the numerous things such as noise, liabilities, safety issues, and property values. William Enos, 25 Plain St E, commented against the racetrack and questioned the water they would be using to irrigate the track. Diane Enos, 25 Plain St E, stated their property abuts the Ricardo property and questioned where the sound barrier wall will be built. Joe Paulo, 5 Cotley St, stated he is against the permit. He stated that racetracks in other towns are not located in areas like what we are dealing with today. He stated that his property is about half a mile away and he can still hear the bikes. He stated he is not opposed to a compromise between the neighbors and the Ricardo's but is not in favor of the special permit. Kathy Burke, 47 Plain St E, asked about the number and ages of the riders. Dave White, 8 Susan Dr, commented against the track and questioned that advocacy of the fence. Kerri Warner, 55 Plain St E, stated that it is loud all day and commented against the track. Sandy Hayward, 30 Plain St E, commented against the track. She discussed the history of the bike riding in the neighborhood. She agreed that she does believe there should be a place for the kids to ride, but not in a residential area. Walter Bezanuik, 45 Plain St E, commented against the track. Karen Kullas, 51 Plain St E, read a statement into the record from DEP regarding the noise test and stated that she has performed her own noise test as well. She also noted the impact to the environment and wildlife, as well as other compliance issues. Discussion continued. Mrs. Ricardo stated that no neighbor has come to them to compromise. Mr. Miller stated that the Board will have to do a site visit while bikes are being used and will need to hear the noise for themselves. David Destefano, 5 Plain St East, commented against the bike track and referenced the Commonwealth of Massachusetts's ordinance on noise. Richard Warner, 55 Plain St E, commented against the racetrack and stated the amount and frequency of noise has increased over the years. Joe Botelho, 9 Susan Drive, commented against the racetrack and the noise. He stated that property values will drop due to the racetrack. Gary Houde, 14 Susan Dr, commented against the racetrack and stated it is not something that should be put in a residential neighborhood. Peter Mis, 11 Crabapple Dr, stated he can still hear the noise from his house and noted one of the conditions of the permit is relating to the characteristics of neighborhood. Rob Powell, 31 Plain St East, gave the Board of Selectmen a signed petition from Berkley residents against the racetrack as well as a letter from 2014 with the Ricardo's original plan for the track. He commented against the racetrack and stated he cannot utilize his property to the fullest because of the riding. He recounted specific times and dates of the riding. Mr. Miller entered both documents into the record. Dawn McConnell, 9 Plain St East, stated that she is opposed of the special permit. Another resident gave an ordinance from the City of Taunton. Mr. Miller entered it into the record.

Angela Ricardo stated that according to state law, they are allowed to ride on their own property. Michael Ricardo reiterated what the granting of the permit would mean. Mr. Miller asked for more information regarding the sound barrier fence. Town Council commented on the special permit. The Board discussed potential dates to visit the property. The Board will visit the property on August 22<sup>nd</sup> with the meeting on August 24<sup>th</sup>. Discussion continued regarding the site visit. The Board of Selectmen voted to continue the public hearing on August 24<sup>th</sup> at 6:00 pm in the Council on Aging.

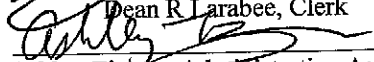
Larabee motioned to continue the Public Hearing, Cochrane 2<sup>nd</sup> voted. All voted in favor.



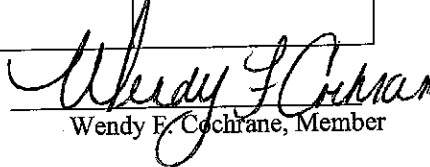
George F. Miller, Chairman



Dean R. Larabee, Clerk



Ashley Tigano, Administrative Assistant  
To the Board of Selectmen & Town  
Administrator



Wendy F. Cochrane, Member