

MINUTES OF TOWN OF BERKLEY SELECTMEN'S MEETING OF 2/27/2019

SELECTMEN IN ATTENDANCE: George F. Miller, Chairman Heather Martin-Sterling, Clerk Wendy F. Cochrane, Member

TOPIC		ACTION
	Meeting Convened at 6:00 pm at Moitoza - Pettey Hearing Room, 1 North Main St.	
Swearing In Ceremony of New Full-Time Police Officers	<ul style="list-style-type: none"> - Town Clerk Deb Pereira swore in the three new full time officers <ul style="list-style-type: none"> a. Catherine Connolly b. Matthew Melo c. Matthew Engstrom 	
Soil Board	<p><u>Hearing regarding Third Written Warning of Noncompliance on Soil Conservation Permit #2018-1 for 180R Bayview Ave., Berkley, MA 02779</u></p> <p>Miller noted items in question at this meeting are conditions #7 regarding boundary markers and #14 regarding having locked gates. Miller swore in Mr. Pontes by oath. Miller asked Pontes if a gate had been installed. Pontes stated there is a chain as a gate. Miller asked him to explain. Pontes stated that he has a plastic chain. Miller questioned him and that it is not a gate. Miller then stated the condition where it states that all entrances to the site shall have locked gates and asked Pontes if he felt a chain was a gate. Pontes replied yes and that he has trees blocking the excavating site so that no cars can get there. Pontes stated that it stops people from going in. Miller swore in Nicolas Vaz from 180 Bayview Ave. by oath. Vaz wanted to clarify for the record that there is no such address as BC Lane that Pontes refers to. Miller swore in Joseph Biszko the Berkley Building Inspector. Miller asked if he had been to the site. Biszko stated he had been to the site on two different occasions one being with Mr. Coutinho the Town Administrator. Biszko provided the Board with photographs. Miller asked Biszko if when he went to the property did he note a gate at the entrance of the property? Biszko stated there was a chain, no gate. Miller asked Pontes if he had any intention of installing a gate. Pontes stated that he would if the Board insisted and that he had gone to Tractor Supply but because it is a 40 foot wide area it needs to be a special gate. Cochrane asked if he planned to finish his septic in the next month or if he was going to have this go on until the end of the permit. Pontes stated that because of this winter it would go longer than a month. Cochrane told Pontes that she asked because if it was only going to be one month she would not want to see him go spend the money on a gate. Pontes replied he will go get a pole gate. Mr. Vaz wanted to state that twice in this hearing Pontes referred to the property as a pit/gravel pit. Pontes replied that it is because it is a pit/gravel pit and that he has a gravel removal permit to remove gravel. Cochrane stated that he does not have a gravel permit. Miller then went on to condition #7 regarding boundary markers. Miller stated that at the last hearing Pontes had indicated that the property was not marked out. Pontes then stated that it was always marked out and it is still marked and that half of the property is where the system is going to be. Miller asked Biszko if he saw markings for the area where he is to be working. Biszko stated there were some markers for where the lots were supposed to be but that is all he saw. Miller asked if there were any markers to specify where the areas to be worked on are? Biszko stated no that is all he saw in the photos. Sterling noted that the markers in the photos look like property lines not areas of excavation. Miller asked if the whole lot was subject to being excavated. Pontes replied no. Pontes</p>	<p>Motion to reopen the continuation of the third written warning of noncompliance on Soil Conservation Permit #2018-1 regarding property located at 180R Bayview Ave. made by Cochrane, Sterling sec. - Voted</p>

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then presented the board with a plan and went over where he plans to put a separate lot and where he is going to excavate. Miller stated that the markers are property lot boundaries. Miller asked Biszko if he felt they were boundary markers? Biszko stated yes. Mr. Vaz questioned that if Pontes keeps stating he knows how to grade and what he plans to do can he please state how much more he plans to remove. Mr. Vaz wanted to know when it was going to stop. Sterling stated when the permit ends. Miller stated they are there on two violations as stated before. Miller asked Biszko if in his opinion he believed that the alteration area had been properly marked. Biszko stated he had boundary markers but no alteration areas marked. Miller asked Pontes if he had any intention of putting in the markers. Cochrane asked Mr. Vaz if he was more concerned about the amount of time it was going to take or was he concerned about the amount of soil he is removing. Mr. Vaz stated that he is concerned with both. Vaz stated that Mr. Pontes has been doing this for a living for 30+ years and yet he has no idea how much material he has to remove and no idea how long it will take. Cochrane stated that she is confused since it is not a buildable lot, Pontes does not have a road or driveway, and he doesn't have the frontage for a house. Pontes stated he has only worked on it four days since the permit. Sterling questioned that since he is doing this on his own he should be able to give the Board an estimate of how long this should take if everything went right considering he has done this job his entire life. She wanted to know if he will need an extension or does he know how long. Pontes stated it is unknown. Sterling stated that over the last 10 years she would think Pontes should have an idea of how things will go. Biszko asked Pontes what his intention was with the land. Pontes stated that his son is going to build a house on that land. He intends to subdivide it into two lots and that he is currently in court trying to get the new road he refers to as BC Lane. Vaz noted that none of the abutters have been notified of this subdivision Pontes is speaking about. Miller entered the photographs provided by the Building Inspector into exhibits and part of the record. Miller entertained a motion to find that a written warning provided to Pontes on Feb 7, 2019 regarding failure to mark alteration to areas per condition #7 and failure to install a gate at the entrance to the property pursuant to condition #14 based on testimony of Pontes and Biszko and abutters and find that these violations continue today and the Board revoke the permit. Miller then read the Bylaw pertaining to violations with failure to abide by the conditions. Matthew Pollock of 182 Bayview Ave. was sworn in by Miller. Pollock stated that this is a multi-year process that he feels Pontes will keep coming through the Board and dragging this on. Pollock would like to have the ByLaws changed to protect everyone now and in the future. Pollock stated that Pontes is storing fuel tanks and everything else on the property. Sterling asked how many truck loads he removed this month. Pontes replied he had removed 15 truckloads. Miller asked since he just removed 15 truckloads this month how much he is averaging. Pontes stated he needs to remove at least 8,900 something yards total. Cochrane stated that when she made her vote she was only giving the permit to finish the septic system and nothing else. She stated she did so based on the facts that the only thing that had to be done was install a 1,500 gallon tank based on the house Pontes wanted to build. Miller asked how much he was getting per truckload. Pontes stated he won't state how much due to competition. Miller asked what the competition is getting and Pontes replied he didn't know. Miller then again suggested the motion to revoke the permit be made based on the violations are continuing. Pontes stated that this will end up in court.

Motion to revoke permit #2018-1 based on continuing violations after written warnings related to conditions #7 & #14 made by Sterling, Pontes sec. - Voted

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Minutes	<ul style="list-style-type: none"> - Minutes for February 6, 2019 – Regular Session 	<p>Motion to approve minutes made by Cochrane, Sterling sec. – Voted</p>
Meeting Mail	<ul style="list-style-type: none"> - Letter of Resignation from Veterans Grave Officer Stephen Thomas. Miller thanked him for his service. Chief Labonte offered to be appointed as Veterans Graves Officer. 	<p>Motion to file made by Cochrane, Sterling sec. – Voted</p> <p>Motion to appoint Scoot Labonte as Veterans Graves Officer made by Cochrane, Sterling sec. – Voted</p>
Old Business	<ul style="list-style-type: none"> - Board reviewed candidates for the Master Plan Committee <ul style="list-style-type: none"> a. Donna Leary b. Cindy Speer c. Marge Ghilarducci d. Joe Callahan e. Jenifer Andrews - Board appointed George Miller to the Master Plan Committee - FY2020 Board of Selectmen budget review - Review proposals from marijuana facility Berkley Botanicals. Miller suggested to skip going over in detail and go over it more in detail at the next meeting. Cochrane was concerned that the residents would want their questions answered first. 	<p>Motion to appoint made by Cochrane, Sterling sec. – Voted</p> <p>Motion to appoint made by Sterling, Cochrane sec., Miller abstained – Voted</p> <p>Motion to approve the budget as provided by the Town Administrator made by Cochrane, Sterling sec. – Voted</p> <p>Tabled</p>
Personnel Board	<ul style="list-style-type: none"> - Board discussed hourly rate structure for reserve Police Officers, Fire Fighters, and EMT/ Fire Fighters. They recommended bringing on the Reserve Police Officers at Grade 11 and then earn time served. Labonte spoke about how the Reserves are not union and do not have a voice and are sometimes forgotten. He also noted the Town spends money to train them and then they leave for other towns that offer much more money. Sterling asked how many Reserves the Town has. Labonte replied six and that those people usually have daytime jobs so it can be difficult to fill the day shifts. 	<p>Motion to approve made by Cochrane, Sterling sec. – Voted</p>

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Executive
Session

- Mr. Coutinho noted that in the budget presentation there was info on trying to hire part time paramedics. They suggested moving the EMT/Firefighter from \$14 to \$16 and Paramedics from \$16.50 to \$19 and Firefighters from \$13 to \$14. Cochrane asked if this was discussed with the Chief, Coutinho stated yes they did. Cochrane stated that when they talked to the Fire Chief when going to full time we spoke to him about any newcomers would go through the Academy and going backwards sending the others. Coutinho stated they did not discuss that at that time they discussed more about the Paramedics. Mr. Coutinho suggested they table the rest of the conversation until the Fire Chief could be present.
- Contract negotiations with the Fire Chief

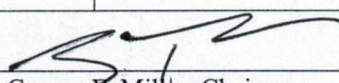
Motion to table
made by Cochrane,
Sterling sec. –
Voted

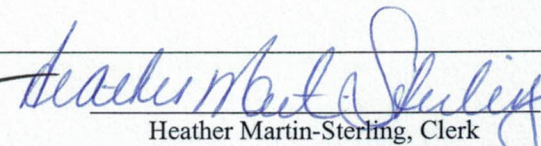
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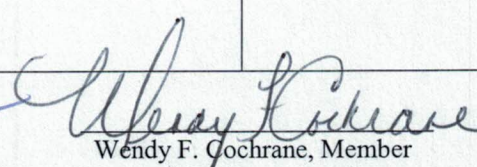
Meeting Adjourn

Next Regular Meeting March 6, 2019

Motion to adjourn
made by Cochrane,
Sterling sec. –
Voted


George F. Miller, Chairman


Heather Martin-Sterling, Clerk


Wendy F. Cochrane, Member

Alan G. Coutinho, Town Administrator