

MINUTES OF TOWN OF BERKLEY SELECTMEN'S MEETING OF 5/11/2022

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

TOPIC		ACTION
	Meeting Convened at 6:04 p.m. in the Moitoza – Pettey Hearing Room	
BOS Reorganization	Board to vote for the reorganization of the Board of Selectmen. The Board voted to appoint George Miller as Chairman of the Board of Selectmen. The Board also voted to appoint Dean Larabee as the Clerk for the Board of Selectmen.	Larabee to motion to appoint Chairman, Cochrane 2 nd , voted. Miller to motion to appoint Clerk, Cochrane 2 nd , voted.
Minutes to be Approved	1. April 27, 2022 Meeting Minutes – the Board voted to approve the minutes.	Larabee to motion to approve, Cochrane 2 nd , voted.
New Business (taken out of order)	Board to discuss complaint from Judith Plogger of 10 Babbitt Way regarding soil removal of Mr. Lund's property. Ms. Plogger was present to speak about complaint. She stated there were trucks going up and down Babbitt Way and Saints Way hauling out gravel and hauling in crushed asphalt. Mr. Miller asked if she had any video recording of this, to which she replied she did not. He then asked if she knew of any neighbors that could have video footage of the trucks, to which she replied she does. Mr. Miller asked Ms. Plogger if she knew how deep they were digging, to which she replied she didn't know. Ms. Cochrane asked if Ms. Plogger could have that neighbor forward the video to the Board. Ms. Plogger answered that she could ask. Mr. Miller asked how she knew it was gravel, and she answered that she could see trucks with material inside. He suggested to get the video from the neighbor to the Town Administrator and they can take a look at it. Ms. Martin-Sterling stated Mark Pettey from the Conservation Commission has been out there. She explained according to Mr. Pettey, there is a deeded road that Mr. Lund is trying to restore, as it has been eroding away, and Mr. Lund was within his right to do so. Mr. Miller stated he will talk with Mr. Pettey, but told Ms. Plogger he is interested in seeing the video of the trucks. Ms. Cochrane asked her to try and get the video to Ms. Martin-Sterling so she can be put back on the agenda for May 25, 2022.	Information only; no action needed.
New Business (taken out of order)	Board to review letter addressed to Gilbert Pontes of 18 Friend Street, Assonet, MA from MTC regarding 180R Bayview Avenue, Town of Berkley. The Board voted to table the review of this letter, as Mr. Pontes was not present at the meeting.	Larabee to motion to table, Cochrane 2 nd , voted.
	Board to review letter from Richard Tetrault of 19 Grove Street in regard to property removal from Chapter 61A, Agricultural Program. Ms. Martin-Sterling noted when property is removed from Chapter 61A, the Board has the right of first refusal. She stated the assessors are working with him. Mr. Miller asked if he's removing this for his own purpose or for the sale of the property. Ms. Martin-Sterling replied the assessors told her Assistant Ashley Tigano that he plans on selling his home. Mr. Miller stated the Board needs to see the buyer's signed purchase and sales agreement. The town has an option to purchase the property, but it is unlikely to happen. He stated once the Board gets more information they will vote on it. The Board voted to table the review of the letter from Mr. Tetrault.	Larabee to motion to table, Cochrane 2 nd , voted.
	Board to discuss change in Animal Control Officer by-law. Ms. Martin-Sterling requested to the Board to table this discussion until Special Town Meeting in November due to time constraints, as she's looking for the Board to sign the Town Warrant on Monday. She mentioned there were some things that were taken out of the ACO by-law that need to be revisited, plus the fee schedule doesn't match the Town Clerk's fee schedule. The Board voted to table this discussion until the next Town Meeting.	Larabee to motion to table, Cochrane 2 nd , voted.
	David DaRosa to discuss possible zoning warrant for Town Meeting. Mr. DaRosa was present at the meeting. Ms. Martin-Sterling explained in order to make a zoning by-law	Information only; no action needed.

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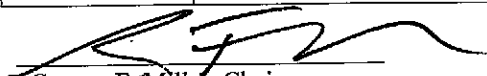
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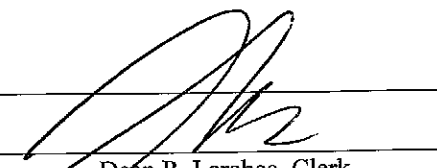
	<p>change in time for the Annual Town Meeting, it needs to be posted 14 days ahead of the public hearing, and the public hearing needs to be taken place 10 days prior to Town Meeting. She noted that she expressed to Mr. DaRosa that the warrant is closed, but told him he could come in front of the Board, as they have the final say as to what goes on the warrant. However, after she spoke with Town Counsel, it was concluded that it is too late. Mr. DaRosa of 12 Riverside Drive, has a place of business at 27 Locust Street. He stated he has come before a few of the boards to figure out what it is he has to do. He explained that currently, the building is zoned as residential but it's a nonconforming existing business building. Because of the by-laws it's zoned as residential but through special permits it would allow use as a business. He stated that there were a few different uses on that building, such as an auto repair shop and a trucking company. He was told he can't particularly go for a special use change because the by-law states there are no special uses granted. He stated he aims to go up and down the street to notify people about his plan to have it commercially zoned. Mr. Miller suggested to look at the areas that are suitable to be commercially zoned, and also to get opinions from neighbors to see how they feel. He stated the Board needs to obtain a few assessor's maps to mark out what type of businesses are on that street and send them to Town Counsel for review. Ms. Martin-Sterling noted none of those properties can put residential homes on them due to contaminants that have been in the ground for so long. Mr. Miller stated the Board will look into it and make sure it is entered in for the November meeting. Mr. DaRosa asked what he would have to do to make the property conforming, as right now it's an existing nonconforming property. Mr. Biszko entered into the meeting. He stated that according to the Berkley zoning by-law, it reads there are no use variances granted in this town. Ms. Cochrane asked Mr. Biszko if Mr. DaRosa could start over with a new permit. Mr. Biszko explained the trucking company that formerly occupied the property shouldn't have existed, and that special permit was granted for a class II license. He also noted he will usually let businesses stay open (unless a danger to the public) until the night of the meeting, and if it can't be granted, it will be shut down. He then stated if someone told him to enforce the zoning on Mr. DaRosa, he would tell them this is how he's treating it. Mr. Miller told Mr. DaRosa to check back in a few weeks, and that he can possibly be put back on the May 25th agenda after speaking with Town Counsel on the issue.</p> <p>Board to discuss possible updates to business certificate form. Mr. Miller stated that after speaking with Town Counsel and Mr. Biszko, they were in agreeance to change the language on the business certificate form, and also to remove the Building Inspector's signoff from it. The language change is in regard to the certificate specifically stating that it would be for business office only; no vehicles or equipment, and that it's for the purposes of obtaining business license or renewal, banking purposes, and state and local tax purposes. After further discussion, Mr. Miller and Mr. Biszko agreed to leave it at "no business equipment" rather than "no business equipment or vehicles" on the form to lessen confusion regarding business vehicles, as many business owners drive their business vehicles home. Mr. Biszko expressed that before the Town Clerk signs off on them, he needs a chance to look at the zoning before they are issued. Mr. Miller requested that business owners come before the Board to make sure that they're not operating their business out of their residential home. He stated it should still be issued by the Town Clerk, but signed off by the Board of Selectmen. He requested to have the new business certificate typed up reflecting the new language before voting on it. Ms. Cochrane asked if it could be voted on next Wednesday, and the Board agreed to do so.</p>	
Appointments	<p>Board to reappoint Joseph Callahan to the Joint Transportation Planning Group (JTPG) for the Southeastern Regional Planning & Economic Development District (SRPEDD). The Board voted to reappoint Mr. Callahan to the JTPG for SRPEDD effective June 1, 2022 through June 1, 2023.</p>	<p>Information only; no action needed.</p>
Town Administrators Report	<p>Town Administrator to discuss the upcoming Town Meeting schedule; Ms. Martin-Sterling stated she has sent Mr. Costa from Town Counsel the draft warrant and discussed a couple of articles that still had to be put on it. The Planning Board's Zoning by-law change was one of them. She stated that the Planning Board is having their public hearing on May 19, 2022,</p>	<p>Cochrane to motion to reappoint, Larabee 2nd, voted.</p> <p>Information only; no action needed.</p>

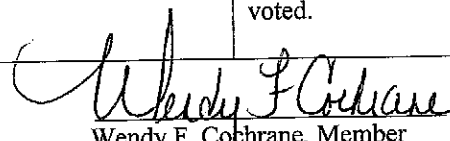
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	<p>which satisfies the by-law regarding the 14 day prior posting mark, as well as 10 days prior to town meeting. The Board of Selectmen will need to hold a hearing but they are not subjected to the statute of the 14 days and 10 days prior to town meeting. Ms. Martin-Sterling stated she will send it to the Taunton Daily Gazette on Monday and the hearing will be held on May 25th. She mentioned that she suggested to Mr. Costa to push off the Conservation Commission by-law change until November, as there is another engineer that has taken a look at it and wants to make several changes. She explained the debt exclusion will be on the warrant as well, and there are 2 streets that the Planning Board has voted on that have already been approved in the subdivision plan that will be added. She stated she has posted a meeting for the Board to sign the warrant at 9 a.m. on Monday, which the Board decided to change to 8:30 a.m. The warrants will be mailed out by next Thursday to satisfy the by-law of 14 days prior to Town meeting which is Monday June 6th. She noted that the 2 citizens petitions do not require public hearings, but suggested the Board to be put on the agenda for May 25th to have an open conversation because of the way that the article is written; it's not a by-law change, it's granting the Board permission to go to special legislation.</p> <p>She also inquired to the Board about the need for weekly meetings. Mr. Larabee asked if the upcoming meetings should be the 18th, 25th and the 1st, and Mr. Miller agreed. Ms. Martin-Sterling mentioned she will not be in tomorrow. Mr. Miller asked if it is too late for the Board to put another article on the warrant that doesn't require a public hearing. Ms. Martin-Sterling replied yes, unless he had something specific in mind, and suggested he talk to Mr. Costa before it is signed on Monday.</p>	
Public Input	<p>Michael Deccico of 54 Humphrey Street New Bedford, MA was present. He asked the Board if he could put a sign up on the Common regarding Mental Health Awareness Month. Mr. Miller asked how long he would like to keep the sign up for. Mr. Deccico replied until the end of May. Mr. Miller noted it is not on the agenda, however he will treat it as unanticipated by the Chair. The Board voted to allow Mr. Deccico to put a sign on the Common regarding Mental Health Awareness Month until May 31, 2022.</p>	Cochrane to motion to allow sign, Larabee 2 nd , voted.
Executive Session	<p>Board to go into Executive Session under MGL Ch 30A §21(a) 2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel: Assistant Treasurer, Town Accountant, Town Administrator, Administrative Assistant to the Board of Selectmen and Town Administrator, Interim Chief of Police, Town Assessor, Building Inspector, and Animal Control Officer. The Board voted to table the Executive Session.</p>	Larabee to motion to table, Cochrane 2 nd , voted.
Adjournment	<p>The Board voted to adjourn, and noted the next meeting will be held on Monday, May 16, 2022 at 8:30 a.m.</p>	Cochrane to motion to adjourn, Larabee 2 nd , voted.


George F. Miller, Chairman


Dean R. Larabee, Clerk


Wendy F. Cochrane, Member


Heather Martin-Sterling, Town Administrator