

MINUTES OF TOWN OF BERKLEY SELECTMEN'S MEETING OF 2/07/2018

SELECTMEN IN ATTENDANCE: George F. Miller, Chairman Wendy F. Cochrane, Clerk Gil Pontes, Member

TOPIC		ACTION
	Meeting Convened at 6:00 pm at Town Hall Hearing Room, 1 North Main St.	
Minutes	- Minutes approved for January 18, 2018 – Regular Session - Minutes approved for January 24, 2018 – Regular Session - Minutes approved for January 31, 2018 – Regular Session	Motion made by Pontes, Miller sec., Cochrane abstain - Voted Motion made by Cochrane, Miller sec., Pontes abstain - Voted Motion made by Cochrane, Pontes sec. - Voted
Meeting Mail	- The Board reviewed a letter from MassDOT regarding sign replacements. TAKEN OUT OF ORDER	Motion to file made by Cochrane, Pontes sec. - Voted
Appointments	- The Selectmen met with Cherise Hoak and Diana Andrade to present them with official citations for their outstanding citizenship and volunteerism. - The Berkley Athletic Association came in to discuss the soccer fields with the Board. They had been given the blessings of the Selectmen to update the fields and wanted to present the Selectmen with the proposed plans. The BAA is looking to double or even triple the size of the current complex. Miller and the Town Administrator noted that they would also have to contact the other Town departments regarding the project. Miller was thinking that since the BAA is already licensed to use the common property, the Selectmen will needed to either configure a new license for the BAA or expand the current license. Miller mentioned that even though the current Board is in favor of something like this that they may want to keep in mind that the next board in the future may not be so favorable, and that it is in fact just a license. Selectman Cochrane stated that the plans brought in may not be exactly correct and some of the plot lines may be off a bit. Cochrane suggested that the BAA should stop by the Assessors' office on the way out to get the true property lines as it may be in their favor. Miller noted we should all be thankful for what the BAA does especially since Berkley does not have a Park & Recreation department. We would never have the money to get things like this done without the BAA. - The Selectmen tabled the meeting with the Planning Board until the next Selectmen's meeting.	Motion to file made by Cochrane, Pontes sec. - Voted Informational – No action taken Motion to table until February 21, 2018 by Cochrane, Pontes sec. - Voted

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Old Business	- The Board and Town Administrator discusses the April 9, 2018 Special Town Meeting and setting of the Town Warrant.	Motion to table by Cochrane, Pontes sec. – Voted
New Business	- The Selectmen reviewed a request from the COA for use of Berkley Common. The Selectmen had a question regarding public restrooms since no alternatives were written on the request. - The Board received a request for a three day liquor license from the Bay State Beagle Club for a function on Sunday March 4, 2018, from 1pm to 4pm. - The Board appointed Alan Coutinho as the Procurement Officer until June 30, 2018.	Tabled until further information could be provided by the COA Motion to approve by Cochrane, Pontes sec. - Voted Motion to appoint by Cochrane, Pontes sec.- Voted
Personnel Board	- Board received a request from the Highway Surveyor to hire Karl Adkins as a truck driver / laborer. - The Selectmen reviewed a letter from the Berkley Fire Rescue Employees Association to enter into contract negotiations.	Motion to hire made by Cochrane, Pontes sec. - Voted Motion to enter into negotiations by Cochrane, Pontes sec. - Voted
Soil Board	- Continuation of Soil Board hearing for Gilbert Pontes on 180R Bayview Ave. Selectman Pontes recused himself and left the hearing room. Miller explained that this is not as easy as just applying for another application considering the past court order but they are going to try and make this as easy as possible. He also noted that everything they do as a Board is still subject to Town Counsel. Mr. Coutinho said he spoke to Mr. Perruzzi who is the civil engineer that stamped Mr. Pontes Soil Board application. Mr. Coutinho had not realized that the original data that Mr. Pontes had provided was from 2001. Mr. Coutinho then sat down and went through the packet and saw the original topo Pontes had in the packet was from before anything had been started years ago. When Mr. Pontes came in the first time he had stated in the application that there was 8899 cubic yards previously remove. When Mr. Pontes came back in he stated that he did not interpret the application the same way as it was written and he has not in his opinion removed 8899 yards to date. So Mr. Coutinho spoke to Mr. Perruzzi again today and Perruzzi stated he based that 8899 calculation on what was on the original topo, he took the design plan for the septic system, and if the septic was completely designed according to that plan with that original topo, that there would be 8899 cubic yards removed. Mr. Perruzzi did not check to see if the septic system that's in there was according to plan, he just did the calculation. Mr. Perruzzi said he did not work from an as-built and he did not have one, he had the original	

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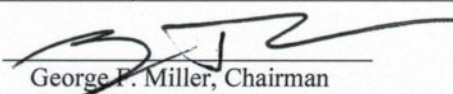
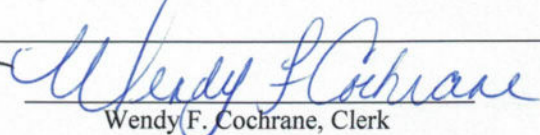
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contours done by Nichols. Mr. Perruzzi also stated that there is stock pile material on the site. Miller asked if there was stock pile on the site. Mr. Pontes stated, yes there is. Mr. Pontes stated maybe 60 yards but he's not sure. Mr. Coutinho stated that from the Town's perspective we cannot determine how many yards had been removed which is part of the problem and we needed to handle that situation before we could move forward. Miller was previously concerned that we did not have the proper paperwork to satisfy the judgment. Miller suggested now that we have the proper paperwork, etc. Miller suggested that Mr. Pontes should now have his engineer go out there to make a determination of what was actually removed so that the Town can be properly compensated for what had been removed, and also what needs to be removed to allow you to finish the project so the Town can be properly compensated for the rest that will be removed. Cochrane asked Mr. Pontes what he felt was already removed. Mr. Pontes replied that she is missing the point. And tried to explain that the Town should wait until everything is done, and that they will then have an as-built and they can then take the previous topo and compare it to the one once finished. Mr. Coutinho stated that he agrees with everything except for one thing, they would like a topo that is current of the whole property at the end. Miller stated that the new topo would have to have the same boundaries as the old topo. Mr. Coutinho stated that yes, you will need a new topo of the whole property. Mr. Pontes stated that in the by-laws you do not need a permit for a septic, but the previous Board thought that it was too much removed. Mr. Pontes stated that he has done hundreds of septic systems in Berkley. Miller asked Pontes how he is going to feel if when all is said and done and the new topo comes back with a higher number than he thought. Pontes replied that is fine then he will pay whatever it comes to. Miller also brought up that Town Counsel has mentioned that since this issue has been brought back up it has cost the Town \$1,456 in attorney fees. Please keep in mind that this is part of the expenses for this litigation and it's a relatively minor expense in comparison to the problem. Miller suggested that the agreement made have some type of statement that the Town will be holding funds until the Town is provided with the things we are asking of you. To make sure that we actually get what we are supposed to get. Cochrane suggested using an arbitrary amount and just present that as what we are prepared to accept. Mr. Coutinho stated the Board needs to decide on what to do about the abutters list, advertising, the legal fees, etc. and if the Board is willing to waive the bond.

Informational – No
action taken

Meeting Adjourn

Next Meeting February 21, 2018

Motion to adjourn
by Pontes, Cochrane
sec. - Voted
George F. Miller, Chairman
Wendy F. Cochrane, Clerk
Gil Pontes, Member

Alan G. Coutinho, Town Administrator