

# MINUTES OF TOWN OF BERKLEY SELECTMEN'S MEETING OF 1/23/2019

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

| TOPIC      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | ACTION                                                                                                                                                                    |
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|            | Meeting Convened at 6:05 pm at Town Hall Hearing Room, 1 North Main St.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                           |
| Soil Board | <p><u>Hearing regarding Second Written Warning of Noncompliance on Soil Conservation Permit #2018-1 for 180R Bayview Ave., Berkley, MA 02779</u></p> <p>Miller asked Pontes if he received the letters sent to him. Pontes stated yes he did. Miller asked Pontes if he brought the documents to satisfy the conditions. Pontes stated he did not. Miller replied the Board needs to have a tally no matter what, whether he removed material or not. Miller asked if it was his representation that he did not move materials on the months he did not provide letters and receipts for. Pontes stated he did not move one shovel full of material and the month of November was the only month that material was removed. Pontes stated to Miller you are not going to see the money on the receipt. It is an invasion of privacy you won't get a price. Miller noted the Board is trying to monitor what is going on, and that people typically won't get a receipt without monetary being written. Pontes stated again to Miller ... "you aren't going to get it and if we have to go to court we will." Pontes stated that each truck load removed in November had 18 yards of material. Cochrane noted that when they granted the permit it was for the purpose of a septic system and there was already a d-box and a leaching field. Pontes stated he hadn't done anything yet he just took it from the leaching field. Cochrane asked if he was going to need to use any of it to backfill, Pontes replied no he would not. Cochrane noted that the only thing left to install was a 1500 gallon tank. Miller read aloud the condition in question to Pontes where it states that he needs to provide all receipts for materials sold to 3<sup>rd</sup> parties. Miller noted that when the condition was proposed when drafting the permit that Pontes did not oppose. Pontes again stated to Miller he would not get the money totals. Miller told Pontes that the Board was trying to work with him when they could have suspended his permit for noncompliance. Pontes told him to do it. Miller brought up that August, September, and December are still missing as far as receipts go and to please bring the Board something in writing asap stating that no materials were removed from the property. Pontes stated the only thing he did was build up his well and not he needs to backfill it. Miller asked again for him to submit in letter form that no materials were removed or sold during those months but that still doesn't satisfy the condition that wasn't met regarding receipts. Miller asked Pontes to drop it off at the office and to ask the individual he sold the material to for the proper receipt. Pontes stated that the individual told him he won't give a receipt with money to the Board because the guy said it was none of their business. Mr. Biszko the Berkley Building Commissioner spoke stating that he was asked to go to 65 Bayview Ave. No one was there so he left a card. Thirty minutes later Mr. Frank Alizio called Biszko back. Biszko told him he was there because there was reason to believe gravel had been taken there but that he saw nothing there. Alizio told Biszko that they may be mixing it up with his daughter's property at 49 Green Street where they are putting in a septic system. Miller asked if any of the 13 truckloads went to Green Street, Pontes replied no. Cochrane asked if Pontes anticipated that he would be finished soon, he replied he did not know. Miller again asked him to be sure the receipt he provides states who sold the material and to whom it was sold to and the amount paid in order to satisfy the condition and he would check with council.</p> | <p>Motion to continue hearing regarding noncompliance for permit #2018-1 until the next meeting on February 6, 2019 at 6:00pm made by Cochrane, Sterling sec. - Voted</p> |



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| Minutes      | <ul style="list-style-type: none"> <li>- Minutes for December 13, 2018 – Regular Session</li> <li>- Minutes for December 19, 2018 – Regular Session</li> <li>- Minutes for January 9, 2019 – Regular Session</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>Motion to accept the minutes of 12.13.19 and 12.19.19 made by Sterling, Miller sec. – Voted</p> <p>Motion to accept minutes made by Sterling, Cochrane sec. – Voted</p>                                                                                                                                                     |
| Meeting Mail | <ul style="list-style-type: none"> <li>- Miller read aloud an email regarding Mass Dept. of Marine Fisheries Shellfish Management Meeting.</li> <li>- Board reviewed an email from Eric Arbeene from SRPEDD regarding recommended make up of Master Plan Committee.</li> <li>- Board reviewed and email from Melinda Pain-Dupont volunteering to serve on the Master Plan Committee and an email from Donna Leary requesting Derek Costa be appointed to the Master Plan Committee.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>Motion to file made by Cochrane, Sterling sec. – Voted</p> <p>Motion to file made by Cochrane, Sterling sec. – Vote</p> <p>Motion to appoint Melinda Paine-Dupont and Derek Costa to the Master Plan Committee and to file letter from Derek Costa &amp; email from Donna Leary made by Cochrane, Sterling sec. – Voted</p> |
| New Business | <ul style="list-style-type: none"> <li>- Board reviewed a letter from Berkley Public Schools Superintendent Thomas Lynch regarding 2020 budget. School Committee approved the amount of \$8,526,918 Miller noted that the number is not final, it is what they are asking for and there will be a lot of work before the number is final. Cochrane noted that they are asking for an increase but they encumbered \$90,000 last year. Sterling stated that the school stated they didn't. Cochrane stated that they did. Sterling noted that the number they have approved is a 5.86% increase over last year's budget. Miller noted that most of the increase is allocated for contracts already in effect. Joe Freitas stated he asked if any monies were encumbered he didn't know and they told him no. They then looked at the Business Agent and she said no as well. Freitas stated it is a starting place for negotiations and it's about transparency.</li> <li>- Board reviewed an email from Angela Gallagher from DEP and a letter from David Moreira District Manager Waste Management regarding water line extension on Holloway Street. Miller stated that any agreement would need to be approved by the Board. Miller would like to send it to council.</li> </ul> | <p>Motion to file made by Cochrane, Sterling sec. – Vote</p> <p>Motion to file made by Cochrane, Sterling sec. – Vote</p>                                                                                                                                                                                                      |



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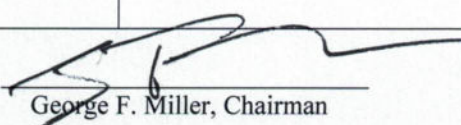
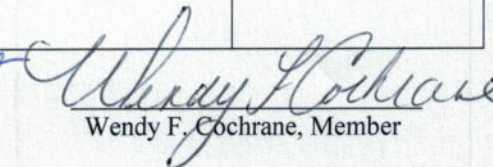
## Public Input

- Joe Freitas Chairman of the Finance Committee spoke to the Board. He spoke about the MMA Conference, Ch. 70 Monies and how the Governor is proposing a 2% increase in real estate tax when paid at selling time. There is \$200 million in Ch. 90 money and he feels that we should think about getting a grant writer because there are a lot of grants out there that we likely do not know about. The whole Finance Committee attended both days of events and they all attended different workshops so they have a better understanding.
- Selectman Cochrane mentioned that she received a thank you card from Jane Pittsley thanking them for giving her the opportunity to work for the Town.

Informational – No  
action takenInformational – No  
action takenMotion to adjourn  
made by Cochrane,  
Sterling sec. –  
Voted

Meeting Adjourn

Next Regular Meeting February 6, 2019

  
George F. Miller, Chairman  
Heather Martin-Sterling, Clerk  
Wendy F. Cochrane, Member

Alan G. Coutinho, Town Administrator