

# MINUTES OF TOWN OF BERKLEY SELECTMEN'S MEETING OF 3/4/2020

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

TOPIC		ACTION
	Meeting Convened at 6:05pm at Moitoza – Petty Hearing Room, 1 North Main St.	
Personnel	Taken out of order -- Interview candidate for Town Treasurer Clerk – Mr Miller spoke to Chloe DeFaria, Mr Miller asked if she met with Ms Cochrane and Town Administrator Ms Martin-Sterling. He asked if she felt all of her questions were answered. Ms DeFaria sated yes and she could start as soon as possible. Ms Cochrane did state that she was able to vote and act in the capacity as a selectmen even though we are hiring for her department for Town Treasurer. Mr Miller stated yes he spoke with Town Council on this matter and stated that the Town Administrator also spoke to Town Council. TA stated she did speak with Town Council with Ms Cochrane at her permission. Town Council stated that he spoke to the Attorney of the Day at the State Ethics Commission and stated that when there is a vacancy on the board it is treated as an absence. And when you are an elected Treasurer and elected Selectmen she acts in each capacity as the need is required. While at a Board of Selectmen meeting she is a Selectman. There is no ethics violation and there is no conflict of interest because there is no financial gain personally on this situation.	Cochrane motioned to hire Chloe DeFaria at Town Treasurer Clerk, Miller 2 <sup>nd</sup> , voted.
Minutes	Minutes February 5, 2020 – Regular Session	Cochrane motion to accept, Miller 2 <sup>nd</sup> , voted.
	Minutes February 12, 2020 -- Regular Session	Cochrane motion to accept, Miller 2 <sup>nd</sup> , voted.
	Minutes February 12, 2020 – Executive Session	Cochrane motion to accept, Miller 2 <sup>nd</sup> , voted.
Meeting Mail	Letter from Skyler Cruz Wolsey regarding Road/Traffic Safety, feel there should be a traffic light put on Route 79, Mr Miller suggested that we pass this information on to the Highway Surveyor	Cochrane motioned to file and to send a copy to the Highway Surveyor, Miller 2 <sup>nd</sup> , voted.
	Notice from MMA regarding Cyber security Challenger on March 14, 2020	Cochrane motioned to file, Miller 2 <sup>nd</sup> , voted.
	Notice from MIIA regarding Injured-On-Duty Workshop	Cochrane motioned to file, Miller 2 <sup>nd</sup> , voted.
Old Business	Update of Arise Dispensary, Mr Miller stated they had their public information meeting and it was a very low turnout. Main concern of the citizens was for the traffic and a more extensive traffic study.	Cochrane made a motion to table, Miller 2 <sup>nd</sup> , voted.
	Update on Berkley Botanical, application has been deemed complete by the CCC.	Cochrane motion to sign the Municipal Response Notice,

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		Miller 2 <sup>nd</sup> , voted.
New Business	<p>Taken out of order Request from Somerset Berkley Athletic Booster Club, speaking Harold Farrell from Rockwell Amusements, Marc Oliveira Stanley Ave from the Booster Club. Mr Miller thinks this is a great idea and likes seeing that we are using the common more with different events. Miller asked if this is the first time that SBRHS Booster Club, Oliveira stated this is the first time. Farrell stated that if it is raining they cannot run. The full week is for the setup actually only running from June 11<sup>th</sup> – 14<sup>th</sup> Thursday, Friday, Saturday and Sunday. 1-10 on Saturday and Sunday would be 1-8/9pm. Mr Miller asked about the conversation with the Fire Chief, and Police Chief. The Fire Chief said they didn't need to have a Fire detail, the Police Chief stated during operating hours they will be required to have a police detail. He did not specify if they would require more than 1detail officer. Mr Miller asked if there was any input with the Historical Society. TA stated that she has updated the BOH and Building Inspector that it is coming. We also have a COI. Mr Farrell stated he can send a copy of all the background checks of all his employees that will mail it to me.Would have about 4 porta potties and they are cleaned every day. And a portable dumpster that will come every day to pick up the disposable dumpsters. Mr Miller asked about signage. Mr Farrell said he likes to get printed banners and will send them to Oliveira. It is to raise funds for SBRHS Boosters and supplies athlete jackets, equipment and anything the student athletes will need and would be less fundraising per student athlete that would be required.</p> <p>Right of first refusal 11 Babbitt Way, Ms Martin-Sterling gave background info that the property was already sold on December 12, 2019 there was an Agricultural tax lien and the Title company gave seller invalid information at the time of the sale. It was then brought to the Assessor's office that they are willing to update everything that needs to be done in order to make the sale a valid sale. Jeanne Russo from Assessor's Office came in and gave an overview. Agricultural Lien was never lifted with the property was sold. They decided to ask the Attorney of the sale to write a letter to Board of Selectmen for a right of first refusal. New owner came in and spoke to Mark Pertey and they will be keeping it agricultural. As soon as the Board of Selectmen sign the Right of First Refusal the new owner will come in and pay any back fee and the Assessor's office will lift the Lien. Mr Miller thought the previous owner should pay the taxes that are due? Typically when someone sells the proptery they have to pay what they saved by having a tax break being in Chapter land. He thinks the seller should be paying the town now for the roll back or conveyance of the remainder of the 10 years. Mr Miller would like to know a little bit more about the property. Usually when this happens the Town gets to see the P&amp;S also to view the land. Ms Cochrane is asking if it changes owner but not use does it just transfer. Ms Russo is unsure as we don't do very many of these. Mr Miller thought that the Town would get the Conveyance Tax or Roll Back. To his understanding in order to sell it you need to take it out of Chapter Land and then the new seller is to put it back into Chapter Land. Wants to know who is paying the deferred taxes of the previous owner. Ms Russo thinks the role back would only be about \$400.00. The TA found the M.G.L. if sold for other use within the period of 10 years at 8<sup>th</sup> year it is 3% of Market Value, if it is not being used for the same thing. Conveyance tax is only assessed if any portion of the land is changed. TA read into the record the part of M.G.L that states if it is a change of use.</p> <p>Notice from the Town of Dighton regarding an agreement with the Town of Dighton and the Town of Berkley, this will allow the Town of Berkley to use the firing range in the Town of Dighton at no cost to the town.</p>	<p>Cochrane motioned to approve the use of the Common for the SBRHS Boosters Club from June 8, 2020 1- June 14, 2020 per the hours listed on application, Miller 2<sup>nd</sup>, voted.</p> <p>Cochrane made a motion to table until the next meeting, Miller 2<sup>nd</sup>, voted.</p> <p>Cochrane made a motion to enter agreement with the Town of Dighton for the use of the Police Firing Range, Miller 2<sup>nd</sup>, voted.</p>

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	<p>Notice from TMLP requesting a Pole Hearing.</p>	<p>Cochrane motioned to for a notice to abutters at 6:00pm on March 18, 2020, Miller 2<sup>nd</sup>, voted.</p>
	<p>Highway Department requesting Chapter 90 reimbursement for the garage.</p>	<p>Informational only no action needed</p>
	<p>Request from Superintendent Tom Lynch on approval and vote for MSBA, Joe Freitas if the MSBA includes the lightening project. TA let him know that it does not and they are looking to get that project done over the summer</p>	<p>Cochrane motion to approve the MSBA application, Miller 2<sup>nd</sup>, voted.</p>
Town Administrators Report	<p>At Mr Miller's request to gather new information on the Coronavirus and what other local towns are doing. Ms Martin-Sterling was on a call with DPH and wanted to urge to get accurate information is through <a href="http://www.mass.gov/2019coronavirus">www.mass.gov/2019coronavirus</a>. As this time MA is listed as a low risk. Spoke to Fire Chief he is working on putting together a plan, the Police Chief has put in more supplies, and will be at an infectious disease round table. Have had conference call with other Towns and they are all in the same situation as we are.</p>	<p>Informational only no action needed</p>
Personnel Board	<p>Approve and sign off on Assistant Town Account</p>	<p>Cochrane made motion to enter into contact with Assistant Town Account for 3 years, Miller 2<sup>nd</sup>, voted.</p>
	<p>Request from the Assessor's office for a Town Assessor or Assistant Town Assessor; George Moitoza spoke of the difference between a Town Assessor and an Assistant Assessor. Ms Cochrane asked if this is something they are looking for the remainder of this year or for FY2021. Mr Moitoza stated that this would be for next year as there is no money in the budget for this year. Ms Cochrane spoke and stated during the last couple of years there has been an increase in work at the Assessor's Office. She stated the clerk is doing an outstanding job and would need to keep him and doesn't want to lose that employee. Ms Cochrane feels that office has been overlooked for some time and we need to focus on it now. Mr Moitoza spoke that many years ago they had an Assistant Assessor. Mr Miller asked if it would be a standard contract position. TA felt that the Town Assessor would be a contract position, but would have to check MGL if it would be a multi-year contract or an annual contract. Further discussion around the need for an appointed Town Assessors. Mr Miller asked if the Board members were certified. Ms Russo stated she is the only one currently not certified.</p>	<p>Cochrane motioned to approve hiring a Primary Appointed Assessor for 22 hours per week effective July 1, 2020 subjected to approval of funding at Town Meeting, and can be posted after June 1<sup>st</sup> meeting for stared date of July 1<sup>st</sup>. Miller 2<sup>nd</sup>, voted.</p>
	<p>Meeting Adjourned</p>	<p>Cochrane motioned to adjourn open session meeting to enter Executive Session under Ch 30A §21 (a) 2 and</p>

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not to return to open session, Miller 2<sup>nd</sup>, voted.

Next Meeting March 18, 2020 at 6:00pm

George F. Miller, Chairman

Heather Martin-Sterling, Interim Town  
Administrator

Wendy F. Cochrane, Member