

MINUTES OF TOWN OF BERKLEY SELECTMEN'S MEETING OF 9/30/2020

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

TOPIC		ACTION
	Meeting Convened at 6:04pm in the Moitoza – Pettey Hearing Room	
Minutes	Minutes September 2, 2020 – Regular session Minutes September 16, 2020 – Regular session	Larabee motion to table, Cochrane 2nd voted Larabee motioned to approve, Miller 2nd voted
Meeting Mail	Letter from Superintendent Thomas Lynch regarding surplus items. The letter stated that the school has 20 extra book carts with wheels giving the town 30 days to notify them if any town department can use a cart. Letter from Friends of the Council on Aging regarding Labor Day event. Ms. Cochrane read the letter aloud. Chapter 91 General License Certification regarding 12 Karen's Way. Ms. Martin-Sterling stated that it was in the hands of the building inspector and the planning board. She stated that they were looking to put in a dock. Letter from Animal Control Officer. Ms. Martin-Sterling stated that he tried to turn in his resignation letter effective December 31st. She stated that Mr. Dorschied said he could not work out of Green St due to the mold issue and that it is a 24/7 job. Ms. Martin-Sterling stated that he is looking to get more assistance. It is hard for him to have social or family time. The police department only backs him up twice a year to have a formal vacation. He would be willing to stay if he made more money or had more assistance. Mr. Miller and the Board stated that they would be willing to look into getting more assistance.	Cochrane motion to file, Larabee 2nd voted Cochrane motion to file, Larabee 2nd voted Cochrane motion to file, Larabee 2nd voted Informational, no action needed
Old Business	Shared Roads and Streets Grand regarding Berkley St and Bayview Ave. Ms. Martin-Sterling applied for the grant to get potential sidewalks on Berkley St and Bayview Ave. The town did not receive the grant because the project could not be completed in the timeline set by the grant standards which was October 9 th . The Board of Selectmen thanked Ms. Martin-Sterling for trying to apply.	Informational, no action needed
New Business	Formal complaint regarding 21 Shore Rd. A resident, Ms. Stacey Silvia, who lives 2 houses away from 21 Shore Rd. was present. Ms. Silvia stated that Ms. Wendy Carlson, who resides at that property, prescribes controlled medicines. She stated that there is excess traffic and a sign outside of their neighborhood stating what she does which attracts people looking for these types of medicines. Ms. Martin-Sterling stated that Ms. Carlson is in lawsuits with the previous owners, inspectors, and others involved. She stated that it is considered a home occupation approved by the Building Inspector. Ms. Martin-Sterling read the description of a home occupation aloud. Ms. Silvia stated that her general concern is having children in the area and having serious medications being prescribed and sold in the neighborhood. She also stated that patients are going and paying cash for medications. Mr. Miller asked if anyone had approached the owner and Ms. Silvia said she cant and that the neighbors are afraid to. Mr. Larabee stated that the business zoning certificate states that she can operate Monday- Thursday 6am-8pm and Saturday and Sunday 9am-12pm and asked Ms. Silvia if she is operating outside of these hours. Ms. Silvia stated that she is operating outside of those hours. Mr. Miller asked how large the lot is. Ms. Silvia stated that the lot area square footage is 9,310 sq ft and .22 acres of land. Mr. Miller stated that	Informational, no action needed

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Ms. Martin-Sterling needs to talk with the Building Inspector on how to handle the situation. He also mentioned possibly having Ms. Carlson come in to a meeting with the Building Inspector to have a conversation. He stated that there needs a little investigation but now that it is brought to their attention, they will deal with it and try to get it on the agenda. Ms. Silvia thanked the Board of Selectmen.

Formal complaint regarding 52 North Main St. Ms. Martin-Sterling stated that she did talk to the Building Inspector about this property. She stated that they are a newer owner but the previous owners received a special permit in 1999. The special permit follows the property as long as they are doing the same thing, which he is. Ms. Martin-Sterling stated that the Building Inspector doesn't feel that they are doing anything outside of what they are allowed to do. Mr. Miller asked to let them know that the Board of Selectmen reviewed it and the determination is that they are operating legally.

Opening quilting and possible other activities at Council on Aging. Ms. Morroff stated that the COA is meeting tomorrow to go over procedures and policies to allowing the quilters back in. Discussion continued between the Board of Selectmen and Ms. Morroff. Ms. Martin-Sterling noted that the Friends of the COA went to the Board of Health and got the approval to have a chow main sit-down lunch in the COA room. She informed the Board of Selectmen that they would still have to follow certain guidelines and would only be able to fit about 6 people in there at a time. Mr. Morroff stated that her understanding of it was that it was going to be a take and go event. Ms. Thompson stated that it was projected to be on October 22nd and that nothing has been posted yet by the Friends of COA, so the date may be flexible to move. Mr. Larabee suggested giving out time slots to allow more people to come in and out. Ms. Martin-Sterling stated that she will visit the meeting tomorrow and give her input on it. Ms. Morroff thanked the board and appreciated their guidance.

The Board of Selectmen received a flyer from the Berkley Cultural Council. Ms. Eden Jones, the sitting chairperson for the Berkley Cultural Council present to share information on the 2021 Grant application cycle and process. The program promotes availability of rich cultural experiences for every Massachusetts resident. The grant application period starts October 1st and ends November 16th. Anyone or group who has a project can make an application for grant money from the Cultural Council can apply. Eligibility and guidelines can be found online. The Board of Selectmen thanked Ms. Eden.

Board to discuss and set Special Town Meeting. Ms. Martin-Sterling suggesting that the Board votes to have the meeting Monday, November 16th. She noted that they have received what their Chapter 70 money is going to be and at the very least will be level funded. She also mentioned that she is looking to have a FAC meeting on October 7th at 4pm, looking to open and close the warrant on October 14th, have the Board of Selectmen have a special meeting on the 26th to sign it and to get it to the constable by the 29th and then to mail out the warrants to the residents on November 4th. Ms. Martin-Sterling also noted that they are taking the requests that were submitted in the beginning in the year for the normal budget cycle.

Board to discuss upcoming Halloween. Ms. Martin-Sterling stated that a few other towns had reached out to her asking what the town was doing. She noted that there is nothing in the guidelines about not trick or treating and only gave basic guidelines, such as minimizing large gatherings and to not go out if they are sick, etc. Ms. Cochrane stated that she thinks the Board should vote to leave Halloween like it is; if you want to participate you should, if you don't you shouldn't. She also noted that kids have lost so much already and it should be left to the parent's discretion. Mr. Larabee stated that the

Cochrane motion to file, Larabee 2nd voted

Cochrane motion give approval to the COA to open their center for limited activity as long as it is approved by the Town Administrator, COA, etc. Larabee 2nd voted

Cochrane motion to file, Larabee 2nd voted

Cochrane motion to set special town meeting to be Nov 16, 2020 for place to be determined at a later date, Larabee 2nd voted

Cochrane motion to table discussion, Larabee 2nd voted

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state already does have guidelines but cautions that the guidelines may change so making a decision tonight may be a little premature. Mr. Miller stated he thinks there will be less houses participating but has no problem with it. He also agreed with Mr. Larabee about not voting about it tonight and will put it on the agenda and decide in 2 weeks.

Board to discuss State Primary and General Election issues. It was brought to the Board of Selectmen's attention from multiple sources that there were serious issues that occurred during the State Primary involving 2 potential candidates. Mr. Miller stated into the record that the Board of Selectmen attempted to have a meeting with the Town Clerk but she canceled within a few hours of it. He also stated that with the very serious election coming up, it is important for them to address, discuss and find out exactly what occurred to potentially solve the problem. Town Clerk, Ms. Deborah Pereira, stated that after the election they have 7 days to certify. She stated that she came in on a Saturday morning to input the numbers but the State was closed for the long weekend. She stated that she contacted the State Tuesday to unlock her certification so she can make the clerical change. Mr. Miller stated that this involved write in candidates and was caught by the candidate, not the Town Clerk. He noted that only 1 of Berkley's precinct write in votes were reported; out of 203 votes, only 40 were initially presented. Mr. Miller stated that it is very important that all votes are counted but the issue is that she did not catch it, the candidate did. He also noted that the same thing happened in the Town of Franklin and the Town Clerk resigned. Mr. Miller then stated that Mr. Robert Riendeau took out papers to run for the School Committee at Bristol Plymouth. He came to drop off the papers on the last day and the Town Clerk's office was closed early. Ms. Pereira stated that there was a drop box outside. She stated that he turned in 3 sheets of nomination papers and the following morning she started certifying them. Mr. Miller noted that she did not receive the papers until the next day. Ms. Cochrane received the papers and verified that they were here on time. Ms. Pereira stated that the papers were defective. Mr. Riendeau had passed in 3 papers; two of them had his name in the candidate box and the 3rd paper did not. He also did not have enough signatures and Ms. Pereira could not accept them. Mr. Miller stated that these types of mistakes cannot be made. He also stated that in November, they will put it on the town meeting agenda to see if they want to make that position appointed. Mr. Miller noted that it was brought to their attention and noted that both the Boston Globe and the Taunton Gazette has been notified. Mr. Miller had stated that according to what he was sent, there were 157 votes not counted. Ms. Pereira stated that is was only 65 votes that were put in as general write ins. Mr. Miller noted that the Board of Selectmen tried to have a meeting with Ms. Pereira last Thursday. Ms. Pereira stated that she could not attend for personal reasons and asked for the meeting to be put into executive session but was refused. Mr. Miller stated that her request was not refused, the meeting did not have the right criteria to be put into executive session. Mr. Miller offered Ms. Pereira extra help and could speak to Ms. Martin-Sterling but she stated that she has it all under control with her poll workers. Ms. Jeanne Russo asked Ms. Martin-Sterling to read aloud #1 of reasons to go into executive session. Ms. Martin-Sterling noted that she did have a conversation with town council and he stated that it did not qualify to be executive session. Ms. Martin-Sterling read #1 into the record. Discussion continued. Mr. Miller noted that people need to know if votes are not being counted and the meeting could have been held last Thursday. He also mentioned that there was no request to reschedule the meeting. Ms. Martin-Sterling stated that after the Town Clerk was invited to the meeting, she had spoken with Ms. Pereira and reassured her that it was not to be an inquisition. Ms. Pereira stated that it could have been presented to her in a different way. Discussion continued. Mr. Larabee stated that we are all on the same team, but need to find a way to work through these kinds of things. He stated that although it is a reasonably serious error, it is one that can be worked through and can try to gain back the confidence of the Board of Selectmen and taxpayers.

Informational, no action needed

Board to vote and sign the General Election Warrant.

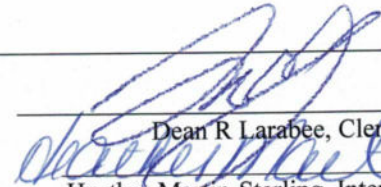
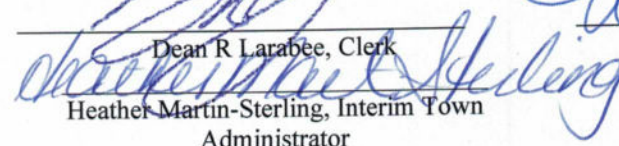
Cochrane motioned to sign the General Election Warrant, Larabee 2nd voted

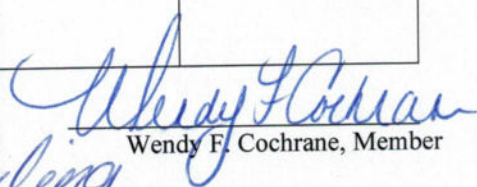
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Town Administrators Report	Town Clerk request for early voting location. Ms. Martin-Sterling noted that, historically, the hearing room has always been used as an early voter location. She also stated that there is a conflict with the October 28, 2020 date as it is also a selectmen meeting. Mr. Miller offered to have the Board of Selectmen meeting in the COA room. Award contract for Town Hall Generator. Ms. Martin-Sterling has actively been trying to get a generator for Town Hall. She stated that they received an RFP from Young Electric to determine how much it was going to cost and requested money from the finance committee out of the reserve account. They put it out to bid and it sat for 30 days. Ms. Martin-Sterling put together a standard contract for under \$100,000 and asked for it to be completed by December 31, 2020. Mr. Miller pointed out that the cost was \$73,145.46. Ms. Martin-Sterling noted that the Town has \$75,000 set aside for the generator. As of Monday, October 5th, the state announced that lower risk communities will be permitted to move to step 2 phase 3. In a public outdoor space, there can be up to 100 people and inside can have up to 50 people.	Informational, no action needed Cochrane motion to award contract for Town Hall Generator, Larabee 2nd voted
Public Input	Ms. Martin-Sterling stated that the Town Clerk received complaints about the political sign in a resident's front yard on Point St and feel that it is profanity. Ms. Martin-Sterling stated that she can bring it to Joe, the Building Inspector, but since it is on personal property there is not much they can do. Mr. Miller stated that it was right of speech but would need to run it by town council.	Informational, no action needed
Adjournment	Mr. Miller stated that those working on the Basketball Court Project did an excellent job presenting to the Planning Board. He noted that last Thursday, the Planning Board did approve the project with a few tweaks. Mr. Miller stated that it looks like it will be done rapidly and should be done before the snowfall. Ms. Martin-Sterling stated that there was no definite start date. Mr. Miller congratulated them for their work and is for a great cause. Ms. Cochrane stated that the next meeting will be Wednesday, October 14th at 6:00 PM.	Informational, no action needed Cochrane motion to adjourn, Larabee 2nd voted


George F. Miller, Chairman


Dean R. Larabee, Clerk

Heather Martin-Sterling, Interim Town Administrator


Wendy F. Cochrane, Member