

MINUTES OF TOWN OF BERKLEY SELECTMEN'S MEETING OF 4/14/2021

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

TOPIC		ACTION
	Meeting Convened at 4:30pm in the Moitoza – Pettey Hearing Room and via Zoom	
Executive Session	Board to go into Executive Session under Ch 30A § 21 (3). To discuss strategy with respect to collective bargaining or litigation if an open meeting may have detrimental effect on the bargaining or litigating position of the public body and the chair so declares; Executive Session under Ch 30A § 21 (8). To consider to interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening; Board of Selectmen reopening from Executive Session	
New Business	The Board of Selectmen voted to open the Pursuant to Article 23, Section 5 of the Town of Berkley General Bylaws, notice is hereby given that the follow amendment will be considered by the Personnel Board at its meeting of Wednesday April 14, 2021 at 6:00pm at Town Hall 1 North Main St, Berkley, MA 02779 in the Moitoza – Pettey Hearing Room: <i>I General Provisions, Section 1.4 Definitions</i> <i>APPOINTING AUTHORITY – An appointing authority shall mean any official, board or commission authorized by the general law, bylaw, or Town Meeting vote to appoint employees. Elected officials shall may be considered appointing authorities. <u>Only elected officials with statutory or bylaw appointing authority will be considered appointing authorities, otherwise, the Board of Selectmen shall be the appointing authority.</u></i> <i>Department Head – A department head shall mean the officer responsible for supervising a department's operations and activities; an appointing authority may be a department head and a Department Head may be an elected official.</i> <i>Example: The elected Highway Surveyor and Tree Warden if the same person would be the department head for the Highway Department.</i> The Board of Selectmen voted to open the public hearing. Mr. Miller read the letter into the record from Town Council regarding appointing authority. He stated that the Board of Selectmen has been acting as the appointing authority and hiring for over a decade and that the policy was changed at Town Meeting in 2003. He also mentioned that they commonly refer to the department heads. Mr. Miller read the current personnel bylaw into the record. Mr. Miller gave an overview of the situation. Ms. Joan Blake stated meeting that things did not work out the way it was supposed to and noted about the assessor clerk position that was voted at town meeting and was taken down. Mr. Joe Freitas stated that the full-time assessor position was funded from the clerk position. Mr. Robert Rose, Highway Surveyor, read the appointing authority bylaw into the record and said it was concerning as a department head as it only references the appointing authority and not the department head. Mr. Miller noted that Town Meeting was coming up and that they would take a look at them. Mr. Joe Freitas stated he agreed with Mr. Rose and stated that it needs to be more easily understood. He also mentioned that he thinks more people should be involved, like the town administrator. He read the conflict-of-interest law and thinks personnel bylaws should be rewritten. Mr. Robert Cayton stated that it is important to refer to department heads and stated that the Board of Selectmen were putting all of the responsibilities on themselves. Mr. Miller stated that the Board of Selectmen do all of the hiring except for Board of Health, who is exempt by state law. He also noted that	Cochrane motion to open public hearing, Larabee 2 nd voted

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a strong chief is allowed to fire, but still brings them in to be hired. Ms. Karen Coolus asked for a copy of the letter from Town Council regarding appointing authority. She agreed with Mr. Rose's comments about the bylaws and how the hiring is done. She stated that just because it has been done for 10 years doesn't mean it is right and thinks they should go back and look at all the issues. Mr. Miller noted that it is hard to get anyone to participate in regards to making a personnel board. Ms. Lisa Tetreault, referring to the assessor's position, stated that that position was filled years ago. Mr. Miller stated that to his understanding, the Board of Assessors addressed their needs and funding was through that clerk position. Mr. Freitas stated that the Town Assessor's position was effective 7/1/2020 and in November Special Town Meeting, the remaining town money remained in the clerical position. Ms. Deborah Pereira questioned why this is all coming up right now. Mr. Miller explained that it was brought to their attention by an outside union representative but there is no indication that they are trying to do anything differently. Ms. Pereira stated that after reading through the rules, there is protentional of how things could change. She stated she thinks it should be addressed and reworded before they make a change. The Board of Selectmen voted to close the public of the hearing of the personnel bylaw change.

Cochrane motion to close public input, Larabee 2nd voted

Mr. Larabee stated that he thinks there is a number of things they need to do and noted the need to modernize. He also noted that he thinks it would be beneficial to speak before public input. He also mentioned that he agreed with Mr. Rose and stated that they should look at it all at once and update the definition of a personnel board and the composition of a personnel board, as it all depends on how it is defined. Mr. Miller stated that an idea is to include the Town Administrator and the department head would act as the 5th member if it pertains to their department. Ms. Cochrane noted that in the past, the personnel board was made up of 2 elected officials, 1 Selectmen, and 2 citizens at large. Ms. Melinda Paine-Dupont stated that having all three Selectmen is not separation of power and that the process is problematic. She stated that it was good to have checks and balances and thinks this should be tabled until all rules can be looked at as it is obvious that the people of Berkley have a problem with what they are trying to do. She stated that they are disregarding the voters. Ms. Cochrane stated that should would not want certain things taken away from her as a Department Head. She stated that she doesn't agree that the Board of Selectmen should discipline. She noted, as far as hiring people, department heads post the positions, interviews, and then bring in the top candidates to be interviewed by the Board of Selectmen. She noted that it is the same process for hiring Police officers and thinks it is a good process. She did mention that she agrees with Mr. Rose that the laws are confusing and can contradict themselves. She stated that they need to look at the personnel board as a whole and maybe go back to just 1 Selectmen. Ms. Cochrane also stated that she doesn't feel comfortable being on the personnel board and being a department head. Mr. Miller noted that it is difficult to get people on committees and brought up other issues. He stated that he believes it should be made up of officials already in town government and is cautious about the citizen at large. Mr. Larabee started that he thought the conversation was very useful and thorough and would like to see everything adjusted at once. Mr. Miller stated that if there is an issue that they think is not beneficial to the town, it will be addressed. He stated that he disagrees that people think the Board of Selectmen shouldn't be on the personnel board at all, as the Board of Selectmen is an executive branch of the town. The Board of Selectmen voted to table personnel bylaw change.

Cochrane motion to table, Larabee 2nd voted

Request for Common Use for Crosby-Couto Memorial Court Opening Day Ceremony. They were looking to have it June 12, 2021 but were unable to make it. The Board of Selectmen voted to table Request for Common Use for Crosby-Couto Memorial Court Opening Day Ceremony.

Cochrane motion to table, Larabee 2nd voted

Formal Renewal Proposal for the Town of Berkley and Comcast. Mr. Larabee summarized renewal process. The Board of Selectmen voted to accept the draft of the Formal Renewal Proposal for the Town of Berkley and Comcast.

Cochrane motion to accept draft, Larabee 2nd voted

New Business Certificate for The Friendly Fiz, LLC. Friendly Fiz is a mobile food establishment. Aaliyah from Friendly Fiz stated she spoke to the Board of Health in November and are in their final stages. She stated that someone is making her a trailer and is hoping to open in May. She described it as a mobile soda, ice cream floats, and milkshake stand. It was also mentioned that they are not in a fixed location, as they would

Cochrane motion to file, Larabee 2nd voted

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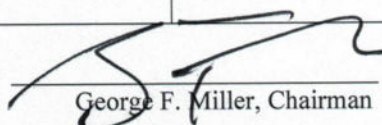
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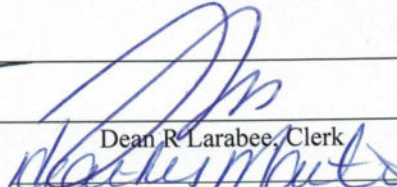
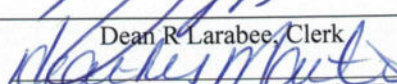
Minutes	be driving around. She stated that they are going to start in Berkley and are working on surrounding towns. The Board of Selectmen wished her good luck and appreciated her introducing herself. The Board of Selectmen voted to file. March 31, 2021 – Regular Session	Larabee motion to approve, Cochrane 2 nd voted
Meeting Mail	Email from MassDEP regarding free PFAS testing for selected private wells in Berkley. The Board of Selectmen voted to file. Letter from Geosyntec regarding 1st quarter landfill gas monitoring. The Board of Selectmen voted to file. Letter from National Grid regarding Bridgewater to Somerset Refurbishment Project. The Board of Selectmen voted to file. Letter from Bristol County Agricultural High School regarding FY22 Assessment. Ms. Martin-Sterling stated that the official assessment was talked about 2 weeks ago, and that there is nothing any different than previously discussed. The Board of Selectmen voted to file. Presentation from South Coast Rail regarding Local Officials Briefing Construction Update. Ms. Martin-Sterling stated that she watched the presentation. The Board of Selectmen voted to file.	Cochrane motion to file, Larabee 2nd voted Cochrane motion to file, Larabee 2nd voted Cochrane motion to file, Larabee 2nd voted Cochrane motion to file, Larabee 2nd voted Cochrane motion to file, Larabee 2nd voted
Appointments	John Paul Benoit to the Board of Registrars. The Board of Selectmen voted to appoint Mr. Benoit, term expiring March 31, 2024.	Cochrane motion to appoint, Larabee 2 nd voted
Town Administrator Report	Mr. Martin-Sterling stated that in a meeting today with MSBA Board of Directors, amongst 14 other districts, they recommended the town enter the grant program for the Berkley Community School. BCS has been accepted into MSBA program. She stated that there is another meeting tomorrow about the process and they need to construct a School Building Committee in 60 days. She stated that the town can opt out at any time and can put in another statement of interest. Ms. Martin-Sterling noted that there were 161 interests submitted and BCS was 1 out of 15 chosen. She stated that the repairs need to happen whether they are in the program or not. She mentioned that she thought it was important to have herself and a Board of Selectmen member to be on the committee. She stated that Mr. Lynch prepared the request. The Board of Selectmen thanked Mr. Lynch.	Informational, no action needed
Public Input	Mr. Joe Freitas stated that he believes someone from the Finance Committee should be on that School Building Committee as well. Mr. Miller agreed.	Informational, no action needed
Personnel Board	Board to approve and sign contract with Assistant Treasurer Erin Bettes. The Board of Selectmen voted to accept and sign contract with Assistant Treasurer Erin Bettes. Board to approve and sign contract with Town Assessor Gary Hoitt. The Board of Selectmen voted to accept and sign contract with Town Assessor Gary Hoitt. Board to approve and sign contract with Building Inspector Joseph Biszko. The Board of Selectmen voted to accept and sign contract with Building Inspector Joseph Biszko.	Larabee motion to accept, Miller 2nd voted Cochrane motion to accept, Larabee 2nd voted Cochrane motion to accept, Larabee 2nd voted

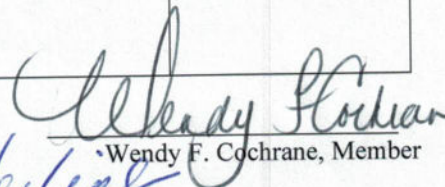
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	Board to approve and sign side letter with Town Administrator Heather Martin-Sterling. The Board of Selectmen voted to approve and sign side letter.	Cochrane motion to approve and sign, Larabee 2 nd voted
New Business	Taken out of order. Town Clerk to request transfer from Reserve Fund. The Board of Selectmen voted to approve reserve fund transfer of \$4000.00 to elections account.	Larabee motion to approve, Cochrane 2 nd voted
Adjournment	Mr. Larabee announced the next scheduled meeting to be April 28 th , 2021 at 5:00pm. The Board of Selectmen voted to adjourn.	Larabee motion to adjourn, Cochrane 2 nd voted


George F. Miller, Chairman


Dean R. Larabee, Clerk

Heather Martin-Sterling, Interim Town Administrator


Wendy F. Cochrane, Member