

MINUTES OF TOWN OF BERKLEY SELECTMEN'S MEETING OF 05/26/2021

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

TOPIC		ACTION
	Meeting Convened at 5:34p.m. in the Moitoza – Pettey Hearing Room	
Public Hearing #1	Notice of Public Hearing: In accordance with Chapter 138, Section 15, of the Massachusetts General Laws, notice is hereby given that the Berkley Board of Selectmen, acting as the Licensing Authority of the Town of Berkley, will hold a public hearing on May 26, 2021. in the Moitoza – Pettey Hearing Room at the Town Office Building, One North Main Street, Berkley, Massachusetts, at 5:30pm on the application of Bhavishwa Corp DBA Berkley Farms of 539 Berkley St, Berkley, Massachusetts, for a Transfer of Licensee on Off-Premises-15 All Alcoholic Beverages license #0020-PK-0090. The premise consists of one floor, one room, a total of 616 square feet. One entrance and exit. Board of Selectmen George F. Miller, Dean R. Larabee, Wendy F. Cochrane Attorney, Matt Porter spoke on the behalf on the Bhavishwa Corp., owned by Mr. Bhavishwa and Mr. Patel who were also present. Attorney Porter stated that these gentlemen don't anticipate any major business or structural changes at this location. They both have experience and clean records with having a liquor license. Miller asked if everything is in order to transfer the license, Attorney Porter stated yes everything is in motion to be all set. Board reviewed paperwork. Miller apologizes for not asking for public input. Rich Peterson, 541 Berkley Street, an abutter to 539 Berkley Street. Peterson states that parking is an issue due to the easement. Peterson explains how deliveries in tractor trailer trucks to the store is a problem. He thinks it won't go away. He wants traffic control and curb cuts. Miller states that he thinks this is a neighbored dispute. Cochrane asked Peterson if it's both businesses at this location that he has a problem with, also stating that this is just a liquor license transfer hearing. Cochrane suggests that this may not be the forum for this issue Peterson is having. Attorney Porter stated that they want to be good neighbors, and if they can come to an agreement, they are willing to speak with Peterson. Board discussed the raised issues from the neighboring resident. Board held a re-vote on the 539 Berkley Street Liquor License Transfer.	Larabee motion to open the Public Hearing, Cochrane 2nd, all voted Cochrane made motion to vote on approval of the Liquor License Transfer, Larabee 2nd, all voted Cochrane motion to rescind the prior motion and vote of the Liquor License Transfer, Larabee 2nd, all voted Cochrane made motion to vote on approval of the Liquor License Transfer, Larabee 2nd, all voted
Meeting Mail (Taken out of order)	Memo from Berkley Public Schools regarding Surplus Items. Board discussed. Letter from SRPEDD regarding appointment. The Town Administrator explains that they are looking for a member form the Board of Selectmen to fill an open spot on their committee. Board discussed. Larabee stated he is willing to serve on the committee. Letter from Joseph Callahan regarding his resignation from SRPEDD. The Board thanked Callahan for his fifteen years served on this volunteer committee. Invitation from Bristol Agricultural High School, inviting a representative from Berkley to go to this year's graduation. Cochrane volunteered.	Cochrane motion to file letter, Larabee 2nd, all voted Cochrane motion to file the letter, Larabee 2nd, all voted Cochrane motion to accept the resignation and file, Larabee 2nd, all voted Cochrane motion to file the invitation, Larabee 2nd, all voted

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Appointment	Appointing Joseph Callahan to the Joint Transportation Planning Group.	Cochrane motion to appoint, Larabee 2 nd , all voted
New Business	Board to vote on the Financial Advisory Commission recommendations. The Town Administrator, Heather Martin-Sterling stating that the committee has \$1,667,516.00 available funds. Snow removal 55,500.00. Contractual Buy-Out \$250,000.00. Assessor Outside Services \$8,000.00. MSBA \$220,000.00. OPEB \$510,000.00. Budget \$305,730.00. Fire Truck \$318,486.00. Miller asked about outside services, that it was brought to his attention by an assessor that this may not be needed. The Board and the Town Administrator discussed a time limit from the Department of Revenue as far as the inspections that need to be done within the 10year time frame. With limited time and the number of inspections still needing to be done, an outside service for inspection was the discussed option with the Financial Advisory Commission. Miller asked is Joseph Freitas, Chairman of the Finance Committee, to explain this recommendation further. Freitas states that this has been an ongoing issue. Freitas stating that with this possibly being a revenue issue with the town, that hiring an outside assessor to help with the inspections, may be the most beneficial for the town. Miller asked if there was a vote taken. Freitas states that on May 18 th , a meeting was held and the matter was discussed with the committee. Miller explained each recommendation in more detail while continuing discussion.	Cochrane motion to approve, Larabee 2 nd , all voted
Town Administrators Report	Heather Martin-Sterling stating that it was brought to her attention that the new holiday, Juneteenth needed to be voted on prior to the day. Due to the holiday being on a Saturday, Town Council stated that the Town needs to pay all employees for the day weather worked on given off. Martin-Sterling gives details on how each department would be paid. Cochrane states that if given the day off it's already allocated in the budget. Larabee asked what other surrounding towns are doing. Martin-Sterling stated that with her consensus, they are giving a paid day off. Discussion continued. Cochrane gave her recommendation to close the Town Hall, Monday June 21 st .	Larabee made motion to close Berkley Town Hall on Monday, June 21 st for observation of Juneteenth, Cochrane 2 nd , all voted
Public Input	No one spoke.	Information Only
Personnel Board	Letter of resignation from Police Officer, Daniel Mosher retiring effective date of April 13, 2021. Miller stated it's a notice to retire. The Board thanked Mosher for his time served, and wished him well.	Larabee motion to accept retirement, Cochrane 2 nd , all voted
Public Hearing #2 (Taken of order)	Notice of Public Hearing: Pursuant to Article 23, of the Town of Berkley General Bylaws, notice is hereby given that the Berkley Board of Selectmen, will hold a public hearing on May 26, 2021 in the Moitoza – Pettey Hearing Room at the Town Office Building, One North Main Street, Berkley, Massachusetts 02779 at 6:30pm, regarding proposed amendment to the aforesaid General Bylaws, as follows: <i>Add a new Section 8 as follows</i> SECTION 8. Appointments. Unless the mode of appointment is otherwise provided by law, the Board of Selectmen shall appoint employees of the Town, provided however, a committee consisting of the Board of Selectmen, the Town Administrator, and the Department Head over whom the employee will be supervised, shall first meet to submit a recommendation to the Board. All such recommended appointments shall become effective as Board of Selectmen appointments on the fifteenth (15th) day following the day on which such notice of recommended appointment is filed with the Board of Selectmen, unless the Board of Selectmen shall, within that period by a majority of all of its members, vote to reject such appointment, or has sooner voted to affirm it. <i>and further to renumber the existing section 8 and delete section 9</i>	Motion made by Larabee to open the Public Hearing, Cochrane 2nd, all voted Cochrane motion to close the public hearing, Larabee 2nd, all voted

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Recess	Took a recess and set to reconvene regular session at 7:00p.m.	Larabee motion to take a recess, Cochrane 2 nd , all voted
Recess Reconvened	Reconvened from recess for regular session at 7:01p.m.	Cochrane motion to reconvene regular session, Larabee 2 nd , all voted
Public Hearing #3	Notice of Public Hearing: Pursuant to Article 4, of the Town of Berkley General Bylaws, notice is hereby given that the Berkley Board of Selectmen, will hold a public hearing on May 26, 2021 in the Moitoza – Pettey Hearing Room at the Town Office Building, One North Main Street, Berkley, Massachusetts 02779 at 7:00pm, regarding proposed amendment to the aforesaid General Bylaws, as follows: <i>new section to Article 4 of the General Bylaws:</i> <i>No member of the Board of Selectmen shall hold any other elected or compensated office with the Town of Berkley during his or her term as Selectman; nor shall any former Member of the Board of Selectmen hold a position or employment, or compensated appointed office of the Town, within one (1) year following his or her term as Selectman.</i> Paul Megna, 8 Elmwood Drive, asked the Board why this came up. Miller stated it's a citizen's petition. Megna stated that he thinks people are being singles out and it's not what's best for the town. He thinks the people working for the town has been doing a great job. He also thinks that holding multiple positions in the town shouldn't be a problem. Miller stated that there is a history of this, and the people with an issue will be able to speak at Town Meeting. Discussion continued. Margaret Clark-Moroff, 62 Locust Street, stated that she agreed with Paul Megna. She thinks this is a form of bullying. Asking for the people who are doing the bullying on social media, to stop it. She noticed that most of the people who have comments on social media don't even come to meetings. Discussion continued. Miller spoke and expressed that if someone is unhappy with the Board, run for the position. Clark-Moroff asks if someone is going to run, at least show up for a meeting prior to election. Clark-Moroff last comment was she does not support this change. Joan Blake, 50 Sandford Street says that this isn't petty or trying to get back at people but this is a real concern about our town. Discussed how she had concerns when Cochrane ran for selectmen that it could possibly be a conflict of interest with Cochrane also being tax collector. Miller stated that the state told Cochrane that this is not a conflict of interest. Discussion continues. Joseph Freitas, 18 Country Lane, expressed that he believes that this has been made to be personal. He wants to ask the individuals who created this petition, for a specific reason, based on performance, as a selectmen, a treasurer, and as a collector, what has this individual done that they think they violated any ethics, or conflict of interest laws, and also has never been voted out, why now. He says that it's a fact that there has never been an issue. States that if we start voting on personality, the town will start losing a lot of talent. Discussion continued. Tabitha McCrohan, 6 Bonnie Drive, wants to know brought on this need for unable to hold multiple offices. Stated the average salary for tax collector is \$55,000.00 a year, stating that our tax collector is paid not even close to that amount. That treasurer is significantly more, and she combined makes close to what just one position would make. She doesn't understand what the conflict is, with so many things being public knowledge. Discussion continued.	Larabee motion to open the Public Hearing, Cochrane 2nd, all voted

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Public Hearing #4	Nancy Thompson, 71 Bayview Avenue, she's sorry to hear that all this discussion seems to appear that it's targeting one person. After taking the Ethics for the Council on Aging, she interpreted that no one could hold more than one position and get paid for it. After thinking about it, this concerns her. She states that she totally doesn't understand it, but that people have the right to put this issue on the warrant and question it. Discussion continued. Margaret Clark-Moroff, 62 Locust Street, asked when an article is submitted, it used to have a name associated. Why is the person who submitted this article, not shown. Miller states that it's a good point, and hopefully this person will standup at Town Meeting. Discussion continued. Cochrane commented and explained that all the concerns that have been brought to the boards' attention, has been reviewed by Town Council, and she has been advised that she is not doing anything illegal. Discussion continued. Paul Megna, 8 Elmwood Drive, agrees with Tabitha McCrohan. Explaining that Tax Collector or the Treasurer, both separately, don't pay enough to live off of. Thinks that these should be one job anyways. He thinks that due to these positions being a low paying job individually, we won't get quality work. Discussion continued. Notice of Public Hearing: Pursuant to Article 4, of the Town of Berkley General Bylaws, notice is hereby given that the Berkley Board of Selectmen, will hold a public hearing on May 26, 2021 in the Moitoza – Pettey Hearing Room at the Town Office Building, One North Main Street, Berkley, Massachusetts 02779 at 7:30pm, regarding proposed amendment to the aforesaid General Bylaws, as follows: <i>new section to Article 4 of the General Bylaws:</i> <i>No person shall serve more than two (2) consecutive three-year terms on the Board of Selectmen. This provision shall apply to the Members of the Board of Selectmen presently serving at the time of adoption of this Bylaw.</i> Joan Blake, 50 Sandford Street, states that it's going to be personal if they want facts and examples. Blake states she didn't create either of the petitions but she did sign them and due to this she has received threatening phone calls at her home. Blake not stating names but stated that nobody from the Board of Selectmen called, but she did know the people. The Board instructed Blake to call the police if she ever feels threatened. Miller explains to Blake that everyone has a right to create and/or sign a petition. Blake explains why she believes in this bylaw change. Discussion continued. Paul Megna, 8 Elmwood Drive, states that if you want to do something, then run. Wants to know why just the Selectmen have been singled out for term limits. Discussion continued. Marc Oliveira, 17 Stanley Avenue, he thinks there's no room for term limits in a small town. One, being you can't get anything done. Two, we don't have enough people to run for these positions. Discussion continued. Nancy Thompson, 71 Bayview Avenue, stated that even the president of the United States has term limits. Thinks if you start something in a six year term limit, that if you don't finish, the rest of the board could finish. She thinks she hopes others will run if there's term limits.	Larabee motion to close the Public Hearing, Cochrane 2nd, all voted Larabee motion to open the Public Hearing, Cochrane 2nd, all voted Cochrane motion to close the public hearing, Larabee 2nd, all voted
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Public Announcement	Larabee announced postponement on the Rodrigues Farm Hearing set to be held on June 16 th at 6p.m., new certified letters will going out to all the abutters.	Information Only
Adjournment	The Board of Selectmen voted to adjourn at 8:48p.m.	Larabee motion to adjourn, Cochrane 2 nd , all voted

George F. Miller, Chairman

Dean R Larabee, Clerk

Wendy F. Cochrane, Member

Heather Martin-Sterling,
Interim Town Administrator