

MINUTES OF TOWN OF BERKLEY SELECTMEN'S MEETING OF 06/16/2021

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

TOPIC		ACTION
	Meeting Convened at 6:02p.m. in the Moitoza – Pettey Hearing Room	
New Business (Taken Out of Order)	Citation to Superintendent, Mr. Thomas J. Lynch for his 15-years of dedication to the Berkley Public Schools and the Residents of the Town of Berkley given by the Board of Selectmen. The board continued to give thanks to the attendee, Mr. Lynch who was also accompanied by his wife, Ms. Karen Lynch. Mr. Lynch accepted his official citation and gave his thanks to the Town Administrator, the Board of Selectmen, Finance Committee, and the community.	Larabee motion to file, Cochrane 2 nd , all voted
Meeting Minutes (Taken Out of Order)	Board to approve and sign the April 14, 2021 and May 12, 2021 meeting minutes.	Cochrane motion to approve and sign the meeting minutes, Larabee 2 nd , all voted.
Meeting Mail (Taken Out of Order)	Letter from the Berkley Public Schools in regard to the FY'20 year-end audit. Board reviewed and discussed.	Larabee motion to file, Cochrane 2 nd , all voted
	Comcast contract to review and sign contract, was taken off the agenda.	Informational Only
	Board to vote and sign common use form for the Berkley Firefighters Assoc., 9/11, 20-year Remembrance Ceremony on September 11 th , with no rain date. Board discussed.	Cochrane motion to approve the Common Use Form, Larabee 2 nd , all voted.
	Board to vote and sign common use form for the Berkley Firefighters Assoc., "All Motor Vehicle" Show on August 15th, with a rain date of August 22 nd . Board discussed.	Cochrane motion to approve the Common Use Form, Larabee 2 nd , all voted.
	Approval of the Fire Chief, Scott Fournier, to purchase replacement Engine #1, which was approved at the Annual Town Meeting. The Town Administrator, Heather Martin-Sterling gave further details explaining why we only have half the funds this fiscal year but were the fire truck takes at least 365-days to build, it needs to be ordered now. Larabee asked what the projected funding source is, Martin-Sterling explained it would come out of available funds, debt exclusion, or worst case, stabilization. Joseph Freitas, Chairman of the Finance Committee spoke saying if this purchase is approved, it will lock in the price. Also, continued to explain that like in previous years, he believes the funds will be in the available funds account. He continued to explain if we have to do this as a debt exclusion, or find money in the budget, were this is a public safety need, the Town will work out the funds. Board continued discussion to approve the \$367,481.00 purchase.	Cochrane motion to approve the purchase, Larabee 2 nd , all voted.
Public Hearing #1 (Taken Out of Order)	Pursuant to Article 21, "Zoning," Section 7C, "Special Permits," of the General Bylaws of the Town of Berkley, the Board of Selectmen will hold a public hearing on April 28, 2021, at 5 p.m. in the Hearing Room at the Town Office Building, One North Main Street, Berkley, Massachusetts and via zoom at https://us02web.zoom.us/j/82145247136 , regarding the application of Ledir Paulo Rodrigues for a special permit to operate a Petting Zoo, Horseback and Pony Rides, animal feeding and assorted entertainment activities for children at property known as and numbered 11 Babbit Way, Berkley, Massachusetts, further identified in the Assessor's records at Map 3, Lot 11. Interested parties are welcome to attend and comment. A copy of the aforesaid application is on file with the Town Clerk and is available for public inspection during the Town Offices' regular business hours.	Larabee motion to re-open the public hearing at 6:29p.m. from April 28, 2021, Cochrane 2 nd , all voted

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Miller asked the applicants Attorney, Wayne Berube, if there is any new information they want to give the board. Berube handed in a new site plan overview. Berube continued to give answers to the boards previous questions in the hearing held on the April 28th, giving more details to the applicants intentions on how they anticipate running there proposed business. Miller asked if there is anyone from the public who wants to voice their input. Debra Barwick, 6 Babbitt Way, wants to know exactly what they're applying for. Miller reads the full description of the application they town has received from the applicants. Barwick asked how much of their land, is actually chapter land. Berube showed Barwick the picture of the site plan. Berube gave more details on what exactly the applicants have in mind for activities. Discussion continued.

David Barwick, 6 Babbitt Way, asked what the date of the Special Permit Application was. Miller answered with a date of March 31st. Discussion continued about the process of the applicant's application and if a site plan was needed for this application. Town Council, Adam Costa, gave further details on site plan approval. Barwick continued to express his concerns on this application. Discussion continued on what the applicants can and can't do if this application is approved or denied.

Frank Vaz, 9 Babbitt Way, he feels that the applicants to this day, have never talked to the neighbors. He think they don't care about the neighbors. Vaz asked is this the same activity schedule the applicants previously submitted. Berube answered saying that he can only speak on today's application. Vaz, after reading out loud the schedule he had for the applicants activity plan, his main concern is that majority of the time, is not farm activities. Discussion continues.

Joseph Freitas, 18 Country Lane, explained after being present since the beginning on this special permit process, he feels the plan has changed drastically to accommodate the neighbors. Freitas gives his applaud to the Rodrigues's for their determination. Freitas believes he thinks everyone should have the opportunity to run a business with reasonable accommodations, and if they don't follow the guidelines, then they lose the option to do so.

Gary Langley, 6R Old Berkley Street, applauded the efforts of the applicants. He feels it's not a big piece of property. After doing some research, he read some facts in regards to animals and how much they're estimated to eat and drink. He thinks there's a lot of impact on the property and the neighborhood. Langley feels it's a lot for the applicants to ask for the neighbors to give up their weekends.

Nick Vaz, 180 Bayview Avenue, he feels there's a lot of uncertain details with this application. He feels not everyone is entitled for a business in a residential area, that there is a special permit process for a reason. Miller adds that the board has to stick to facts and leave all emotion out of this decision. Discussion continued.

The applicant, Ladir Paulo Rodrigues, 11 Babbit Way, responding to the neighbor who thinks they don't care about the neighbors on the street. Rodrigues expressed they feel fear from the Babbit Way neighbors due to past incidents. Rodrigues stated that he did go to other neighbors in Berkley to ask them to sign his petition and he received 62 signatures giving their blessing. Rodrigues and his wife want to make their farm a beautiful place for anyone to come to enjoy. Attorney Berube added last thoughts on the matter.

Debra Barwick, 6 Babbitt Way, asked for an exact number for cars each day. Cochrane answered its 29 cars all day. Berube confirmed.

Miller asked Town Council, if this would be a good time for the board to have their discussion and deliberate. Costa gave his recommendation.

Joseph Biszko, Berkley's Building Inspector, stated that he believes Town Council covered everything in regards to zoning. Biszko continued to reiterate in his own words how he interrupts this special permit request.

The board discussed what guidelines they have to follow to come to a vote on this special permit. Each member of the board expressed their thoughts on the matter. Discussion continued.

Miller motion to close the public input portion of the hearing, Larabee 2nd, all voted

Larabee motion to deny the special permit request, Miller 2nd, Miller called for a vote, Cochrane stated nay, Larabee stated I, Miller stated I

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Public Hearing #2	Notice is hereby given under Massachusetts General Laws Chapter 140, as amended, that the Board of Selectmen will hold a public hearing on <u>June 16, 2021</u>, at 7:00 p.m in the Moitoza – Pettey Hearing Room at the Town Office Building, One North Main Street, Berkley, Massachusetts, on the applications of Maurice Butler for a new Class II used car dealer's license and a new Class III motor vehicle junk license both at premises known as and numbered 6 Old Berkley Street for the buying or selling of second hand motor vehicles (Class II) and for the buying of second hand motor vehicles for the purpose or remodeling, taking apart or rebuilding the same or for the buying or selling of parts of second hand motor vehicles or tires or for the assembling of second hand motor vehicle parts (Class III). Interested parties are welcome to attend and comment. A copy of the aforesaid application is on file with the Town Clerk and is available for public inspection during the Town Offices' regular business hours. Miller asked the applicant, Maurice Butler, if this would be for a used car dealership. Butler stated that Class II would be for used cars/junkyard, and the Class III would be used for dissembling of motor vehicles. Miller asked how many used cars Butler anticipates selling. Town Administrator, Heather Martin-Sterling, added that there is a special permit already attached to the property from 1983, saying it's limited to 20 vehicles. Miller asked if Butler has proposed hours. Butler said he has not come up with any yet. Miller asked if there is anyone from the public who wants to speak. Jason Gooch, 11 Sanford Street, states that he is in support of Butler's application. Town Administrator, Heather-Martin-Sterling added Class III is 20, Class II is 10 from the special permit attached to the property from 1985. Miller suggests to create hours of operation, suggestion 8a.m. – 6p.m., with no Sundays. Butler agreed. Miller asks if there will be a lot of traffic. Butler added most sales are on the internet. Town Council, Adam Costa presented a summary of the licensing standards. Costa gave his input. After hearing Costas input, Butler stated he would get a \$25,000.00 Surety Bond. Discussion continued. Miller asked Town Council if the state needs to come to the property to do an inspection. Town Council spoke explaining if there isn't a change in the special permit, then an inspection shouldn't be needed. Miller offered hours of operation, Mon-Sat, 8a.m. – 6p.m. Butler suggested just Monday through Friday, with no weekends will be okay. Town Administrator, Heather-Martin-Sterling added the class III from 1983 is allowed 20, and the class II from 1985 is allowed 10. Heather-Martin-Sterling added that the special permit carries with the property but when Butler had the property transfer Butler never updated the license which is why this license hearing is taking place. Town Council added that Butler can have 30 in total the property. Larabee asked Butler what's the size of his property. Butler replied three acres. Gary Langley, 6R Old Berkley Street, wanted confirmation that this is not a new special permit, that's it's an old permit already intact. Miller stated this is for licensing not a special permit. Langley wanted to make the board aware of how many cars on the property now. He believes it's an excess of more of what they have been talking about. Also adding that the property has a run off into wetlands. Miller stating this isn't an analysis that they typically do for a license hearing and a site plan is not needed. Langley asked if the special permit goes with the property forever and ever. The board said yes, forever. Miller asked butler how many vehicles are on the sight now. Butler believes it might be over the 30 currently. Butler said within the suggested 90-days Miller suggested, he will limit the vehicles down to the 30 on-site. Discussion continues.	Larabee motion to open the public hearing at 8:31p.m., Miller 2 nd , all voted
Appointments (Taken Out of Order)	Board to sign the appointment list for the Police Department, Cochrane read list out loud.	Cochrane motion to approve licenses with the given stipulations, Cochrane amended, Larabee 2 nd , all voted Cochrane motion to file, Larabee 2 nd , all voted

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New Business (Taken Out of Order)	Board to sign the appointment list for varies Boards and Committees, Cochrane read list out loud.	Cochrane motion to file, Larabee 2 nd abstaining from voting on Cultural Arts Council, member Kelley Larabee, Miller 2 nd for Kelly Larabee, all voted
	Board to sign the appointment for Council on Aging, member Wendy Cochrane. Larabee read out loud.	Larabee motion to file, Miller 2 nd , both voted
	Joseph Freitas, Chairman of the Finance Committee, motion to appoint member, Nancy Gajoli read out loud.	Freitas motion to file, Miller 2 nd , all voted
	Board to discuss porta-potty at the common. Board discussed. Board decided to table the vote until the next scheduled Board of Selectmen meeting after hearing the input from other parties who are mostly effected.	Information Only
	Board set to vote to move forward with the Special Legislation Vote to go forward with Special Legislation as authorized by article 14 of the warrant for the June 7, 2021 Annual Town Meeting and sign petition to send to Senator Marc Pacheco and Representative Norman Orrall for Special Legislation. Board discussed and made accurate date corrections to letter.	Cochrane motion to sign, Larabee 2 nd , all voted
Town Administrators Report	No discussion.	Cochrane motion to table, Larabee 2 nd , all voted
Public Input	Nobody present.	Information Only
Executive Session	Board to go into Executive Session under Chapter 30A §21(a) 3. To discuss strategy with respect to collective bargaining or litigation if open meeting may have a detrimental effect on the bargaining or litigating position of the public body and chair so declares; review of matter, votes may be taken.	Larabee motion to enter Executive Session at 9:13p.m., Cochrane 2 nd , all voted

George F. Miller, Chairman

Dean R Larabee, Clerk

Wendy F. Cochrane, Member

Heather Martin-Sterling,
Interim Town Administrator