

MINUTES OF TOWN OF BERKLEY SELECTMEN'S MEETING OF 2/16/2022

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

| TOPIC | | ACTION |
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| | Meeting Convened at 5:03 p.m. in the Moitoza – Pettey Hearing Room | |
| Executive Session | Ms. Cochrane made a motion to return to Open Session at 5:55p.m. Mr. Larabee 2 nd the motion, and the BOS voted in favor. Mr. Larabee made a motion to reaffirm the motion made in Executive Session to amend the MOA between the Town of Berkley and Chief of Police Scott Labonte. Ms. Cochrane 2 nd the motion, and the BOS voted in favor. | |
| Personnel Board | Board to hire and appoint Kobey Imbert as a 911 Signal Operator for a one-year probationary term, 1 st 5-month term to expire on June 30 th , 2022. Mr. Imbert was not present at this meeting, so it was decided by the BOS to table hiring. Board to hire and appoint Steven Cabral for the Highway Department for a Truck Driver Position. Mr. Cabral was present, along with Robert Rose of the Highway Department. Mr. Rose stated Mr. Cabral was the best out of 3 candidates to fill this vacancy. Mr. Cabral is able to drive a standard vehicle and has 27 years of experience driving a tanker truck. Board to vote to reaffirm the vote to hire Anne Marie MacDougal for the Camera Operator position. This applicant has already been hired, but the agenda dated January 5, 2022 did not list her name. In order to comply with open meeting law, this item has been relisted on the agenda. Mr. Larabee made a motion to reaffirm the vote to hire Anne Marie MacDougal for the position of Camera Operator; the BOS voted in favor. | Larabee to motion to table, Cochrane 2 nd , voted. Cochrane to motion to hire, Larabee 2 nd , BOS, Martin-Sterling & Rose voted. Larabee to motion to reaffirm, Cochrane 2 nd , voted. |
| Minutes to be approved | Board to hire and appoint Amy McNamara for the Open Assistant Librarian Circulation Services position. Ms. McNamara was present, along with Library Director Carol Buote. Ms. Buote stated only 2 candidates put in for the position. The BOS voted to hire Ms. McNamara. 1. January 25, 2022 Meeting Minutes 2. February 2, 2022 Meeting Minutes – Cochrane abstained from signing due to COA discussion in minutes; she is a member of the COA. Larabee to motion to approve & sign; Miller 2 nd , voted. | Larabee to motion to hire, Cochrane 2 nd , BOS, Martin-Sterling & Buote voted. Larabee to motion to approve 1/25/22 mm; Cochrane 2 nd , voted. |
| Meeting Mail | Board to review letter from the Berkley Public Schools dated January 25, 2022 regarding the 2021 Annual Report of the School Committee. The BOS voted to file the letter. Board to review letter from the Berkley Public Schools dated January 25, 2022 regarding Surplus Items. The items were deemed not of use to the Town by the BOS. The BOS voted to file the letter. Board to review letter from the Berkley Public Schools dated January 25, 2022 regarding the 2022/23 Budget. The BOS voted to file the letter. Board to review email from Diane Maxwell regarding Berkley MA Snow Removal. Mr. Miller proceeded to read the email. Ms. Maxwell in her email praised the Berkley Highway Department on a great job they did during the last big snow storm. Ms. Martin-Sterling stated she will email Robert Rose of the Highway Department a copy of this email. Board to review letter from Jeffrey Walker regarding Local Participation in the SRPEDD Regional Resilience Plan. Ms. Martin-Sterling stated the SRPEDD is launching a collaborative regional project and is looking for a member of the BOS to be a part of it. She stated they are looking for a 20 hour commitment participation over the course of 20 months (1 hour a month). Mr. Larabee stated he would like to volunteer. Ms. Martin-Sterling stated there is a questionnaire that she will send back to the members of the SRPEDD project stating that Mr. Larabee would like to participate. | Cochrane to motion to file, Larabee 2 nd , voted. Cochrane to motion to file, Larabee 2 nd , voted. Larabee to motion to file, Cochrane 2 nd , voted. Cochrane to motion to file, Larabee 2 nd , voted. Cochrane to motion to file, Larabee 2 nd , voted. |

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| New Business | <p>Board to review letter from Xfinity regarding a copy of its Form 500 for YE2021. Ms. Martin-Sterling stated this copy contains complaints from the community; there were only 2 complaints from the Town of Berkley in 2021. There is also a listing of cable interruptions.</p> <p>Board to review letter from Xfinity regarding Annual Notice. This letter consists of a sample bill, work order, rate and channel lineup effective January 6, 2022.</p> <p>Board to review letter from Melissa Ryan, Superintendent of Berkley Public Schools regarding the Berkley Highway Department dated February 3, 2022. Mr. Miller proceeded to read the letter, and in the letter Ms. Ryan thanked the Berkley Highway Department for updating the lights in the parking lot, as picking up Covid-19 supplies from the MEMA Distribution Center in Franklin, MA.</p> <p>Board to approve request for signs to be put up around the Common for the 50th Anniversary of the Berkley Scholarship Fund. Monica Francisco, a member of the Scholarship Committee, was present to speak about the signs. She stated she would need either 2 or 3 signs to be put up in order to celebrate the 50th Anniversary, and also to make people aware that the scholarship exists. She noted most parents don't know about the scholarship until their child graduates the 8th grade. Mr. Larabee made a motion to approve the request to have the signs put up, and the board voted in favor.</p> <p>Board to discuss complaint from Jeff Duhancik of Locust St. regarding snow plow drivers, as well as driveway flooding issues. Mr. Duhancik was not present at the meeting, however Robert Rose was present to speak on these issues. Mr. Rose presented copies of pictures he took of Mr. Duhancik's driveway to the BOS. He stated Mr. Duhancik's house is very close to the street, and his garage (which the driveway leads up to) is even closer. He stated Mr. Duhancik parks his vehicles in the driveway, which makes it so they are only a few feet from the road. Mr. Rose also noted that there is a trailer parked sideways in the driveway in front of the garage.</p> <p>Mr. Rose then brought up the complaint from Mr. Duhancik regarding his lawn being torn up by plows. He noted that Mr. Duhancik's mailbox hangs over the asphalt (as seen in the pictures he took), so if the lawn was torn up, the mailbox would've been taken out as well. He also explained that he and his foreman shoveled on the side of the road in a couple of spots, and noted there is still another 6 inches of asphalt underneath the edge of the dirt, making it unable to be re-seeded in the spring.</p> <p>Mr. Rose talked about the complaint from Mr. Duhancik regarding debris on his truck allegedly left by the snow plows. He stated he went to the property to see if it was caused by the plows and if it was part of the lawn. Mr. Rose noted it was hay in the driveway and not any type of debris caused by snow plows.</p> <p>Mr. Miller asked Mr. Rose about Mr. Duhancik's driveway flooding concerns. Mr. Rose explained Mr. Duhancik's property is located at the bottom of a hill, and storm water used to run down the hill and off the street right before his driveway. According to Mr. Rose, Mr. Duhancik had filled in a section of his property to expand parking. He stated the section that was filled on Mr. Duhancik's property is part of a wetlands area. He requested that the Conservation Commission look into this issue. Mr. Miller agreed, and to also include the Soil Board.</p> <p>Mr. Rose talked about the speeding complaint in Mr. Duhancik's email. He stated the trucks are designed to effectively remove snow at speeds between 15 – 20 miles per hour. Because Mr. Duhancik lives at the bottom of the hill, the plow trucks would have a hard time driving up the hill at a much slower speed. He noted due to the closeness of Mr. Duhancik's house to the street, the sound is amplified from the trucks driving by, and it may sound as if they are speeding.</p> <p>Mr. Miller asked Ms. Martin-Sterling to contact the Conservation Committee regarding the fill placed in the wetlands on Mr. Duhancik's property. The Board is also requesting an update to this matter on the next agenda.</p> <p>Board to review and approve the MBTA's 2022 Proposed Fare Changes. [Note: the BOS will review and motion to file the letter, NOT to approve the MBTA fare changes]. The letter is from Terrie Chan, a Community Liaison at the MBTA. Mr. Miller proceeded to read some of the proposed fare changes. The BOS voted to file the letter.</p> | <p>Cochrane to motion to file, Larabee 2nd, voted.</p> <p>Cochrane to motion to file, Larabee 2nd, voted.</p> <p>Cochrane to motion to file, Larabee 2nd, voted.</p> <p>Larabee to motion to approve request, Cochrane 2nd, voted.</p> <p>Information only; no action needed</p> <p>Larabee to motion to file, Cochrane 2nd, voted.</p> |
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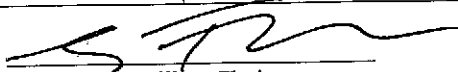
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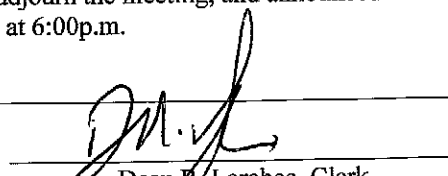
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| | <p>Board to discuss Nominations for Two MSA Board Vacancies. Ms. Martin-Sterling stated this letter is from the Massachusetts Select Board Association and that they are looking for members for vacancies in the district 1 and district 3 representative seats on its board of directors. District 3 is Bristol County. Mr. Miller requested the link to the website be sent to him so he can take a closer look at it. The BOS voted to file the letter.</p> <p>Board to review and approve Application for a One-Day License to sell Wine & Malt Beverages at the Bay State Beagle Club on Sunday, March 6, 2022 @ 1:00p.m. Ms. Martin-Sterling noted on the next agenda, the BOS will review how the Town of Berkley issues one-day liquor licenses. She stated it's recommended that it should be a 3 day license; one day for liquor transport to the establishment, one day for consumption, and one day to transport any liquor left over from the event. Mr. Miller suggested a notation to be made that the license will be issued as such. He also stated this event has been approved by the Chief of Police and is required to have a Police detail as well. Ms. Martin-Sterling stated she did not have the actual license, but once it is printed, it will reflect that it is for 3 days, and it'll be listed as follows: March 5, 2022 for transportation; March 6, 2022 starting at 1:00p.m. for consumption; and March 7, 2022 for left over inventory transportation. Mr. Larabee made a motion to approve the 1-Day Liquor License for the Bay State Beagle Club with transportation dates of March 5th and 7th, 2022, and a consumption date of March 6, 2022 @ 1:00p.m. The BOS voted in favor.</p> | <p>Cochrane to motion to file, Larabee 2nd, voted.</p> <p>Larabee to motion to approve transport dates 3/5 & 3/7, consumption date 3/6 @ 1p.m., Cochrane 2nd, voted.</p> |
| Old Business (taken out of order) | <p>Board to discuss possible parking lot abutting Babbitt Way and Saints Way. Judith Plogger of 10 Babbitt Way was present for the discussion. Mr. Miller stated he contacted Town Counsel, and at this point there is no legal action the Town can take. Ms. Plogger stated her concerns if someone from that property crosses onto her property, and that due to the location, she wouldn't be able to see them if they do. Mr. Miller stated she can call the Police in the event that someone trespasses onto her property.</p> | <p>Information Only; no action needed</p> |
| New Business (taken out of order) | <p>Board to review letter from Attorney Gay regarding Special Labor Counsel for Union Contract Negotiations. Mr. Miller stated the rate per hour was reasonable, and has no problem moving forward with a plan to get the negotiations done quicker. Ms. Martin-Sterling noted Attorney Gay would just bill the Town by the hour with no specific contract. She then asked the BOS if they were going to vote on this to also determine which Selectmen would be handling which union. She explained she has requested budgets from her department heads, and that they are all at the end of their contracts. Mr. Miller stated he will handle the Police and Communications. Ms. Cochrane stated she couldn't handle Clerical due to a conflict of interest, so Mr. Larabee agreed to handle the Clerical Negotiations. Ms. Martin-Sterling noted the longer conversations that won't be fulfilled in that first meeting will be with the Cost Of Living Adjustment (COLA). She stated she would like these done by the end of March or the first week of April. Ms. Cochrane made a motion to enter into an agreement with Attorney Gay's office for the purpose of negotiating contracts. Mr. Miller noted this will be an hourly agreement at will. The BOS voted in favor.</p> | <p>Cochrane to motion to enter into agreement w/ Attny Gay, Larabee 2nd, voted.</p> |
| Town Administrators Report | <p>Ms. Martin-Sterling discussed the Zoom meeting she attended regarding Bristol Plymouth (BP) High School. She stated during that meeting, it was discussed that the cost to repair the existing school would be \$137 million over the course of roughly 8 years.</p> <p>Ms. Martin-Sterling stated she had also attended a meeting for the Somerset Berkley Regional School Committee. There, the preliminary budget was discussed, and it was noted that if the out of district special education cost for the Town of Berkley was taken out, the percentage per enrollment would go down by about .6% from last year. They also voted to have another subcommittee meeting regarding the preliminary budget and it is scheduled for March 16, 2022, which falls on the same day as a Selectmen's Meeting. Ms. Martin-Sterling asked the BOS to have the Agenda for March 16, 2022 set for 5pm and for it to be light so she can attend the aforementioned meeting.</p> <p>Ms. Martin-Sterling also stated she had attended the K-8 Regionalization meeting. It was discussed that if the vote for the BP project passes on March 5, 2022, under the new assessment, it will be based on enrollment as of October 1, 2021, which is the prior year. She will send the BOS the exact figures she received for the new assessment. Mr. Miller</p> | <p>Information only; no action needed</p> |

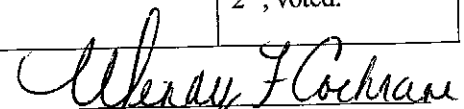
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| | <p>stated it is the BOS's job to present information to the citizens of the town regarding the cost of the project. Mr. Larabee stated if the cost is \$328 per household on average, there is no mechanism for increasing the Town's revenue without a debt exclusion or an override. He stated the Town will have to find \$1 million in the budget to pay for BP, and expressed his frustration on how there's no representation coming before the BOS or any other board that citizens are interested in the BP project. Ms. Martin's recommendation to the board after the vote on March 5th is to put a debt exclusion question on this year's ballot, and to have it at this year's election. She feels if the information is not put out there as soon as possible, then the Town is going to run into a problem in FY25 and will have to come up with \$1 million for the BP assessment. She also stated the question should be added continuously until it passes. She noted towns like Dighton, Rehoboth, and Berkley don't have the revenue to pay the \$1 million assessment for the capital improvement for BP. She agrees that the Board and herself can't promote the debt exclusion for the BP project, but have a financial responsibility to the town to let them know. Ms. Martin-Sterling stated she will reach out to the Town's BP representative to see if he's doing something. Ms. Cochrane had come up with a suggestion that if the debt exclusion isn't going to hit until 2025, maybe the BOS could do a debt exclusion for capital projects. The BOS ultimately agree or disagree to do a debt exclusion.</p> <p>Ms. Martin Sterling discussed the Access Information Management Company regarding records retention off site, which was discussed at the last BOS meeting. The contract is for 3 years, and if it is broken, the Town Hall is responsible for the fees to remove all of the data and storage. There are no additional services needed other than the storage. The quote for the price expires March 7, 2022. Ms. Martin-Sterling asked the Board to allow her to use ARPA money to move forward with the digital records retention process. The initial up front cost is estimated at \$11,222.50, with a monthly contribution of \$206.16 for the rest of this fiscal year on average, which is based off of the average quantity. The \$206 would come out of the ARPA fund because it hasn't been set in the data processing budget for FY22, but it would be added to the FY23 budget. The BOS agreed to vote on it during the next meeting.</p> | |
| Finance Committee Update | <p>Mr. Freitas discussed the FY23 preliminary numbers for Somerset Berkley. He state the FY22 Cherry Sheet estimate by the Governor was \$6,054,825. This year's increased budget was \$6,584,920, making it an increase of over \$530K to the district. Out of the total receipts from tuition reimbursement, school transportation, school choice receiving, special education, school choice sending, and charter schools, the total estimate for FY22 is \$6,364,000. The Governor's proposed budget was \$6,960,028, which is an increase of almost \$600K just from last year. The school choice number this year was about \$630K for K-8, with \$98K of that being school choice sending. The Town of Berkley just spent an additional 305K for the budget. Mr. Freitas noted the town is short approximately \$200K without collective bargaining contracts, COLA, etc., and is concerned it will devastate the town financially, especially in 3-5 years from now. He stated the town will need consistent debt exclusions and overrides to get by.</p> | Information only; no action needed |
| Adjournment | <p>Ms. Cochrane motioned to adjourn the meeting, and announced the next meeting will be on Wednesday, March 2, 2022 at 6:00p.m.</p> | Cochrane to motion to adjourn, Larabee 2 nd , voted. |


George F. Miller, Chairman


Dean R. Larabee, Clerk


Wendy F. Cochrane, Member


Heather Martin-Sterling, Town Administrator