

MINUTES OF TOWN OF BERKLEY SELECTMEN'S MEETING OF 4/13/2022

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

TOPIC		ACTION
	Meeting Convened at 6:35 p.m. in the Moitoza – Pettey Hearing Room	
Minutes to be Approved	1. March 30, 2022 Meeting Minutes – Board voted to approve minutes.	Cochrane to motion to approve, Larabee 2 nd , voted.
New Business	Board to review email from Nancy Thompson regarding Council on Aging. Ms. Cochrane has abstained herself as a Selectmen due to serving as a member on the COA Board. A COA Meeting was also called to order at 6:36 p.m. with COA members Margaret Moroff, Wendy Cochrane, and Arlene Medeiros. Nancy Thompson was present to speak about the email. Ms. Thompson stated she had some concerns on what she has been hearing about the Board of Selectmen potentially closing the COA building on Fridays. Ms. Martin-Sterling stated if there is no council member there to open the building than it has to remain closed, however there was nothing stating the building was permanently closed on Fridays. Ms. Thompson noted that in 2018, the Board allowed certain volunteers to open the COA building, and asked when that changed. Ms. Martin-Sterling answered that only the Chair and members of the COA Board can open the center, and that access is not granted to volunteers to open the building at this time. Ms. Moroff mentioned there is no money in the COA to run activities on Fridays. Ms. Thompson asked if there was a liability issue to not open on Fridays. Mr. Miller answered he has no legal opinion on it, however this question was addressed with Town Counsel and the liability was associated with workmen's comp with the volunteers. It was then deferred to the COA on these issues, as it is situational. Mr. Miller asked Ms. Martin-Sterling to reach out to Town Counsel again on this issue. Ms. Thompson, who is also part of the Friends of Berkley COA, questioned why the COA can't approach the Friends for help in raising money for programs. Elisabeth Monkowski, Treasurer and member of the Friends of Berkley COA, was present. She stated that when the COA presents something to the Friends for funding, they have to vote on it. Ms. Moroff stated the Friends policy is not to fund the COA for ongoing programs. Mr. Miller asked if the Friends were allowed to fund ongoing activities, would the COA be satisfied. Ms. Moroff answered they would like to have money for all the seniors. Joan Blake, former member of the COA, was present. She recalled in February of 2018, the Board of Selectmen voted to have a key with a dispatcher for the center. She alleged that the former Town Administrator told her the center was given to the COA, and not the Town, and that they could keep it open as long as they wanted. Mr. Miller stated that was incorrect, and that the COA center is part of the Town Hall building. Mr. Miller stated the Board would have authorization to leave it open, but defer it to the COA. Ms. Medeiros explained if the COA were to continue the old programs, they would run out of money. The COA Board had discarded opening on Fridays due to the Town Hall not being open as well on that day. Mr. Miller suggested to the COA Board to have a meeting, and the Board of Selectmen can make another inquiry to Town Counsel on the situation. The discussion concluded shortly after. Ms. Cochrane motioned to adjourn the COA meeting, Ms. Medeiros 2nd, and the COA Board voted. Board to review and approve Application for Special License for the Bay State Beagle Club to sell wine and malt beverages on Saturday, May 14, 2022 from 5 p.m. – 9 p.m., with transport dates for liquor from May 13, 2022 to May 16, 2022. The Board voted to approve the Application for Special License for the Bay State Beagle Club to sell wine and malt beverages on Saturday, May 14, 2022 from 5 p.m. – 9 p.m., with transport dates for liquor from May 13, 2022 to May 16, 2022. Board to approve Common Use for Monday, July 4, 2022 from 10 a.m. – 2:30 p.m. for a 4th of July Celebration, sponsored by the Friends of Berkley COA. Ms. Cochrane abstained from the vote due to serving as a member on the COA Board. The Board voted to approve Common Use. Board to approve Common Use for Monday, September 5, 2022 from 10 a.m. – 2:30 p.m. for a Labor Day Celebration, sponsored by the Friends of Berkley COA. Ms. Cochrane	Information only; no action needed. Larabee to motion to approve, Cochrane 2nd, voted. Larabee to motion to approve, Cochrane abstained, Miller 2nd, voted. Larabee to motion to approve,

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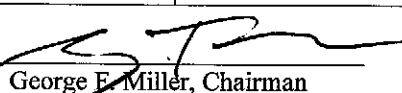
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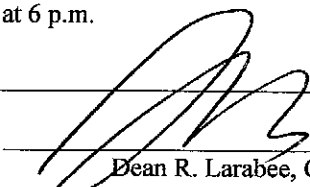
	abstained due to serving as a member on the COA Board. The Board voted to approve Common Use. Board to approve Common Use for Saturday, October 15, 2022 from 7 a.m. – 5:30p.m. for an Art Craft Vendor Fair, sponsored by the Friends of Berkley COA. Ms. Cochrane abstained due to serving as a member on the COA Board. The Board voted to approve Common Use. Board to approve and sign Class 2 Auto and Class 3 Auto Licenses for Maurice Butler d/b/a Forever. Mr. Miller asked if his agreement was up to date. Ms. Cochrane answered it was brought up to plan or the license will be rescinded. The Board voted to approve and sign the Class 2 and Class 3 Auto Licenses for Maurice Butler d/b/a Forever with the provisions that this account will stay on the payment plan or else the licenses will be rescinded if it's not paid. Board to set a date to open and close Annual Town Meeting Warrant. Mr. Miller suggested to open Warrant tonight at 7:34 p.m., and close it on April 27, 2022 at 12 p.m., then vote on it May 4, 2022. He explained this will give the public 2 weeks to petition it. The Board voted to open the Warrant at 7:34p.m. and close it on April 27, 2022 at 12 p.m.	Cochrane abstained, Miller 2nd, voted. Larabee to motion to approve, Cochrane abstained, Miller 2nd, voted. Cochrane to motion to approve w/ provisions, Larabee 2nd, voted.
Meeting Mail	Board to review Notification to Abutters from the Town of Berkley Massachusetts Conservation Commission. The Board voted to file the letter. Board to review Notice of License Application from the Department of Environmental Protection Waterways Regulation Program. This is in regards a dock being built on Ferry Lane. The Board voted to file the letter. Board to review letter from Keolis regarding the 2022 Yearly Operating Plan. This is in regards to vegetation maintenance for the commuter rail. The Board voted to file the letter. Board to review letter from Xfinity regarding changes to Xfinity TV services. The Board voted to file the letter.	Larabee to motion to open & close warrant, Cochrane 2nd, voted. Cochrane to motion to file, Larabee 2nd, voted. Cochrane to motion to file, Larabee 2nd, voted. Cochrane to motion to file, Larabee 2nd, voted. Larabee to motion to file, Cochrane 2nd, voted.
Old Business	Board to discuss and possible re-voting on financial advisory committee debt exclusion vote from Wednesday, April 6, 2022. Ms. Martin-Sterling stated the recommendation from the Financial Advisory Committee was, in order to put the debt exclusion question on the ballot, it had to be voted on as is. Mr. Miller asked if the process of applying for any of the ARPA funds had been started. Ms. Martin-Sterling stated she is waiting for some clarification as to where to apply for them. She explained she cannot apply for them under lost revenue through the county because the county has not determined how the money is being dispersed, and the portal application is not open yet. Mr. Miller asked Ms. Martin-Sterling to explain what ARPA money is. Ms. Martin-Sterling answered ARPA money is a federal grant with Covid-19 mitigations. Money under the CARES Act was the first grant that came out strictly used for Covid-19 mitigation, and it was dispersed from the federal government to the states, and the states dispersed it to municipalities. ARPA funds were also dispersed in the same manner, however they gave the town the money directly instead of the town having to request it. ARPA funds cannot be used to pay down debt service. Ms. Martin-Sterling stated it has been expressed to her from Town Counsel, Bond Counsel and the auditors that the debt exclusion question is in fact the debt exclusion question on the ballot. For the warrant, if the town has applied for money in one of the allowed specific categories, or if the county opens up the lost revenue portal, then the motion on town floor would be that the town would raise the debt minus any anticipated grants that the town may receive. The dollar amount would change if the approval for the grant was already received on town floor immediately. Ms. Martin-Sterling stressed that the town is not paying off debt, because it's a grant received from the federal government through the county. Mr. Miller stated in the debt exclusion question, the word debt is in it. He questioned if it is considered debt. Ms. Martin-Sterling replied that it's not debt until it's actually borrowed. She stated that it would be written in the motion that the debt would be up to \$1 million minus any pending anticipated grants that the town may receive. For example: If the town has applied for the	Cochrane to motion to put question on ballot, Larabee abstained, Miller 2nd, voted.

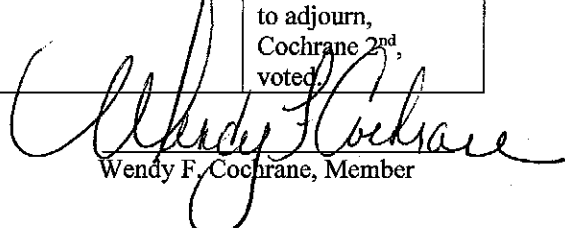
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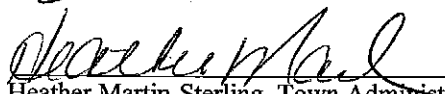
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	grants through the county and have already received the approval (ex: town was granted \$100K toward a piece of equipment), then the motion would be that it's \$900K worth of debt, not the \$1 million that's on the warrant because the grant of \$100K was already received. Mr. Miller asked if it passes at Town Meeting and in the meantime the grant is received, is the town able to use that grant to buy down the debt, or is the debt just being reduced. Ms. Martin-Sterling answered the debt will be reduced on town floor. Mr. Miller stated we can do a fact sheet that states what the intentions of the BOS are. Ms. Martin-Sterling suggested to check with Town Counsel if that's allowed. She then explained that a dollar amount cannot be on the ballot question, but it can be on the warrant article. Ms. Martin-Sterling stated you have to make the motion and read the question verbatim. Mr. Larabee stated he has to recuse himself on debt. The Board voted that the Board of Selectmen put the following question on the ballot: Shall the Town of Berkley be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond and/or note issued in order to fund certain capital expenditures, namely two (2) police cruisers for the Police Department, two (2) plow sanders, a water trailer, a lift and a street sweeper for the Highway Department, a new heating system for the Public Safety Building and two (2) tabulators for the Town Clerk, including the payment of all other costs incidental and related thereto? Yes or No.	
Personnel Board	Board to discuss vacant ACO position. Ms. Martin-Sterling mentioned to the Board that there will be no ACO as of April 22, 2022, and only a part-time ACO every other weekend. Mr. Miller asked Ms. Cochrane if she could reach out to either Freetown or other surrounding towns for temporary coverage until the position is filled. The Board voted to table any further discussion regarding the ACO position.	Larabee to motion to table, Cochrane 2 nd , voted.
Town Administrators Report	Town Administrator to update Board on the Daughters of the American Revolution regarding the receiving of 700 flags that were disposed of properly. There is now a flag box at the Town Hall.	Information only; no action needed.
Finance Committee Update	Mr. Freitas to update Board on budget; he stated it is 3 quarters of the way done, and only have the Town Administrator, Fire, and other agencies to complete. As far as collective bargaining contracts, they're trying to get a budget passed on May 11, 2022 to present the budget, and vote with what we have contractually and carry it over. They are preparing 2 budgets at this point. The big ticket purchases will have the Treasurer involved, and make sure there is a buffer to pay for. There will be a consultation with the Treasurer and the Board of Selectmen instead of a split budget. He believes it is a good compromise between those who oppose a split budget, and that this will have a huge impact on contracts.	Information only; no action needed.
Executive Session	Board to go into Executive Session under MGL Ch 30A §21(a) 2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel: Assistant Treasurer, Town Accountant, Town Administrator, Administrative Assistant for the Board of Selectmen and Town Administrator, Interim Chief of Police, Town Assessor, and Building Inspector. Mr. Miller requested to add in ACO position into this Executive Session for Wednesday, April 20, 2022. The Board voted to table the Executive Session.	Cochrane to motion to table, Larabee 2 nd , voted.
Adjournment	The Board voted to adjourn, and noted the next Board of Selectmen meeting will be held on Wednesday, April 20, 2022 at 6 p.m.	Larabee to motion to adjourn, Cochrane 2 nd , voted.


George F. Miller, Chairman


Dean R. Larabee, Clerk


Wendy F. Cochrane, Member


Heather Martin-Sterling, Town Administrator