

MINUTES OF TOWN OF BERKLEY SELECTMEN'S MEETING OF 4/27/2022

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

TOPIC		ACTION
	Meeting Convened at 6:02 p.m. in the Moitoza – Pettey Hearing Room	
Minutes to be Approved (taken out of order)	1. April 6, 2022 Meeting Minutes 2. April 13, 2022 Meeting Minutes The Board voted to approve minutes for April 6, 2022 and April 13, 2022.	Larabee to motion to approve, Cochrane 2 nd , voted.
New Business no. 2 (taken out of order)	Board to review potential by-law for Conservation Commission and set a date for a public hearing. Mark Pettey was present to speak about the potential by-law. He stated the Town of Berkley's Conservation Commission does not have any by-laws with respect to conservation. He noted they have 2 choices; either go to the DEP or use attorneys. Mr. Miller stated the Board will have Town Counsel review the proposed by-laws. Mr. Larabee asked Mr. Pettey where the template for the proposed by-laws came from, to which Mr. Pettey replied from Dighton. Ms. Martin-Sterling stated she was checking the by-laws to see how far out a public hearing is supposed to be scheduled for this. Mr. Miller suggested to schedule it farther out to give Town Counsel a chance to review them. Ms. Martin-Sterling suggested to hold it on May 25, 2022 at 6:00pm., and the Board agreed with that date. She did note that they have to have it before Town Meeting, and it can be put on the warrant prior. The Board voted to schedule a public hearing for potential by-laws for the Conservation Commission on Wednesday, May 25, 2022 at 6:00p.m.	Larabee to motion to schedule public hearing on 5/25/2022 @ 6p.m., Cochrane 2 nd , voted.
Public Hearing: Soil Board (taken out of order)	Pursuant to Article 12, Section 4, of the General Bylaws of the Town of Berkley, the Soil Conservation Board will hold a public hearing on Wednesday, April 27, 2022 at 6:00 p.m. in the Moitoza – Pettey Hearing Room at the Town Office Building, One North Main Street, Berkley, Massachusetts, regarding the application of Malloch Construction Co., Inc. for an Earth Alteration Permit to perform work at property known as and numbered 43 Elm Street, Berkley, Massachusetts, further identified in the Assessor's records at Map 4, Lot 81. 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. The Board voted to open public hearing. The Board then voted to take a brief recess due to technical difficulties with televised production. The Board voted to re-open the public hearing after a brief recess. Niles Zager of Zenith Consulting Engineers, LLC (ZCE) was present for the hearing, along with Joseph Malloch and Carl Malloch. Mr. Zager explained the need for the public hearing, as there are plans to alter more than 2 feet of soil on the property of 43 Elm Street, which is located on the north side of Elm street between Berkley Street and James Way. Due to different elevations all over the property, 2 or more feet of soil will have to be removed and stockpiled toward the back of the property during the construction of 3 houses. Mr. Zager stated he is trying to make it accessible from the road for construction vehicles to come in and out of the property. Mr. Miller asked where the water runoff will go during construction. Mr. Zager replied they are using a kettle hole (non-jurisdictional wetland) and another one that they are creating. It will be captured, stored, and then infiltrated into the ground. Mr. Joseph Malloch stated the water flows into those areas now naturally, but wanted to confirm it will still be going to those same places. Mr. Zager replied that it was, but to a bigger extent. He also stated they are providing erosion control with silk socks around the property. The construction entrance to the property will be approximately 75 feet by 24 feet wide. The contractors will make sure the area is cleaned up daily during construction. Mr. Miller asked how far off the road will the houses be. Mr. Zager replied roughly 75 feet, with the septic in the front and a well to the rear. After the plans were heard by Mr. Zager, Mr. Miller opened the public hearing up for public input. There were several abutters present with questions and concerns. Roger Gouldstone of 4 Carma Lane was the first abutter to speak. He asked Mr. Zager where this will be constructed near his home. Mr. Zager answered by pointing it out on the maps he provided. Marci Rogers of 40 Elm Street, another abutter, asked about the stockpiling of material, and if they plan on bringing in any outside fill. Mr. Zager replied they are not. She also asked if they were going to leave some of the land in the back, to which Mr. Zager replied they are. Ms. Rogers also noted where the construction roadway is used to be an old driveway, and	Larabee to motion to open public hearing, Cochrane 2nd, voted. Larabee to motion to enter recess, Cochrane 2nd, voted. Larabee to motion to reopen public hearing, Cochrane 2nd, voted.

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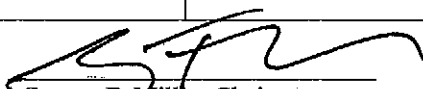
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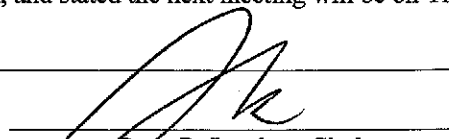
	asked if it would be an issue to the house directly across the street from that roadway. Mr. Zager replied that is where the proposed roadway is going, however if it is an issue it can be moved if necessary. Brian Cummings of 44 Elm Street, an abutter, asked if the stockpile they plan to build will create issues with debris during times of high winds. Mr. Zager replied there is a plan for watering it down in case dust becomes an issue. Mr. Carl Malloch also noted they plan on leaving a buffer along the front of the property as well to prevent that from happening. The Board voted to close the public input portion of the hearing. Mr. Miller asked when the construction for this project begin, and if it will be during the school year. Mr. Carl Malloch stated they plan on starting it during the school year between the hours of 7a.m. – 5p.m. Ms. Martin-Sterling noted the last day of school is subject to end June 21, 2022, and that according to Attachment A Standard Order of Conditions in the permit, no. 12, it states construction has to be done between the hours of 8a.m. – 4p.m. She stated she will email Mr. Zager with the updated information, as well as updating the website to reflect the new set of hours. The Board voted to close the public hearing. The Board then voted to grant the Earth Alteration Permit contingent upon Attachment A, Order of Conditions and to grant the permit for 1 year, effective today, April 27, 2022, and pending the receiving of fees.	Cochrane to motion to close public input, Larabee 2nd, voted. Larabee to motion to grant permit w/ conditions, Cochrane 2nd, voted.
Old Business	Board to review and approve conceptual site plan agreement between the Town of Berkley and ZCE. Ms. Martin-Sterling stated this was in regard to the Myrics Street Project. Based off of previous conversations with the Historical Commission regarding this project, Engineer Byron Holmes, after speaking with Niles Zager of ZCE, mentioned a conceptual plan should be done prior to trying to figure out what can go there. Ms. Martin-Sterling noted this is a consulted professional service agreement for the conceptual plan that the Board and the Historical Commission have to vote on. She then stated this would come out of the money that was received from South Coast Rail. The cost to draw up the plan is \$4900. The Board voted to approve the conceptual site plan. Mr. Miller authorized Ms. Martin-Sterling to sign the agreement.	Cochrane to motion to approve, Larabee 2nd, voted.
New Business (taken out of order)	Board to discuss complaint from Judith Plogger regarding soil removal of Mr. Lund's property. Ms. Martin-Sterling stated this is an issue that the Conservation Commission had responded to. According to the Conservation Commission, Mr. Lund is back filling a deeded road that had been washed away. Ms. Plogger was not present at tonight's meeting. Mr. Miller asked Ms. Martin-Sterling to reach out to Ms. Plogger to see if she will come in and speak about the complaint in one of the upcoming Board of Selectmen meetings. The Board then voted to table the complaint until speaking with Ms. Plogger. Board to vote and sign agreement with Covanta Sustainable Solutions LLC. Ms. Martin-Sterling explained that this had been taken up with Town Counsel and they are fine with the agreement. She mentioned it is for the Highway Department, and there was an added amendment to the original agreement that the Board of Selectmen signed 3 years ago. Mr. Miller asked if they could possibly shop around for better quotes. Ms. Martin-Sterling stated this is all through SEMAS. Mr. Miller suggested that Ms. Martin-Sterling reach out to the Highway Department to see if they have reached out to any other contractors. The Board then motioned to table signing the agreement until reaching out for other quotes. Board to sign Annual Town Election Warrant. Mr. Miller suggested to sign the warrant sooner in the future. The Board voted to sign and approve the Annual Town Election Warrant. Board to review and approve request from the Planning Board to have Shore Road and Ridge Street put on the Warrant for the next Town Meeting for acceptance as public ways. Ms. Martin-Sterling mentioned that the full Planning Board hasn't signed off on it yet. According to Donna Leary, the request will be signed tomorrow. The Board voted to approve the request from the Planning Board contingent on the approval of the Planning Board.	Cochrane to motion to table, Larabee 2nd, voted. Cochrane to motion to table, Larabee 2nd, voted. Cochrane to motion to approve & sign, Larabee 2nd, voted. Larabee to motion to approve w/ contingency, Cochrane 2nd, voted.

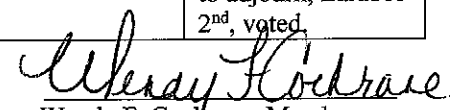
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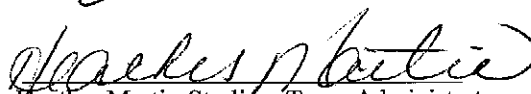
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Personnel	Board to review and approve Animal Control Officer Marc Dorschied change of retirement date. Ms. Martin-Sterling stated he is willing to stay employed in his current capacity until the end of the fiscal year June 30, 2022 or July 1, 2022. The Board voted to accept and approve the update to Mr. Dorschied's retirement date.	Cochrane to motion to approve, Larabee 2 nd , voted.
Town Administrators Report (taken out of order)	Ms. Martin-Sterling stated to the Board that she had received 2 citizen petitions that a public hearing needs to be scheduled for in order to go on the Town Warrant meeting, which will be held on May 25, 2022. She noted she will reach out to Town Counsel and contact the Taunton Daily Gazette to have the public hearing published with the date.	Information only; no action needed.
Finance Committee Update	Mr. Freitas spoke about the Finance Committee meeting that was held last night. He stated currently the town is in a deficit of \$33K after adding in abatements and exemptions at about \$100K, utilizing \$200K in Free Cash, and increases from Cost of Living Allowances throughout every department. He explained that the BA assessment came through. Currently there are 15 members at BA, and for FY23 for the capital is \$5,401 which brings it up to \$81,015. The total tuition assessment is \$129,270. This is an increase of almost \$56K from the previous year. We never want to talk about the increases but as the realities, and what I just heard just now as far as the ACO and what may be the future of that, that's going to be most likely an added expense. I will tell you looking at all of the ACO's and where we normally start paying for contractual employees, it's also going to impact the person that's currently working the weekends. He then discussed the importance of having an ACO for the town, but mentioned it will be an additional cost. Mr. Freitas stated the Finance Committee at their meeting talked specifically about a budget with \$200K of Free Cash and a pure non pre-taxed budget if they did not use the minimum of \$200K of Free Cash. He explained if they had to look to cut without using free cash, they would use the percentage of every entity's budget number. He stated from the schools, the K-8 will be the hardest hit because of BA, BP, and Somerset Berkley. The K-8 budget that was requested this year was \$9,136,051. The House, Ways and Means increased from \$30 to \$60 per student for sending. Mr. Freitas calculated that transportation costs, other infusion of money from the K-8 transportation allocation, out of district cost, and school spending to be approximately \$9,001,956. It is a difference of \$134,095 of the school's full request of the budget. The K-8 according to the school are approximately 65% of the budget. If the town did not use K-8 money and took that 65%, that would short the school an additional \$138,491. If the Finance Committee did not level with the money requested from the school, they are looking at a total cost of \$272,586. He stated they are looking at a budget of approximately \$21,127,959. He then stated the snow budget came in lower at \$81K, a savings of \$19K. Mr. Miller asked Ms. Martin-Sterling to reach out to Town Counsel for information about handouts breaking this information down for the public.	Information only; no action needed.
Public Input	Gil Pontes was present, and requested to be put on the next agenda. He stated to Mr. Miller he had an agreement that was revoked, and inquired about finishing it. Mr. Miller stated that is was determined in court, and also agreed to put him on the next agenda.	Information only; no action needed.
Adjournment	The Board voted to adjourn, and stated the next meeting will be on Thursday, April 28, 2022 at 6:30p.m.	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