

MINUTES OF TOWN OF BERKLEY SELECTMEN'S MEETING OF 7/11/2018

SELECTMEN IN ATTENDANCE: George F. Miller, Chairman Heather Martin-Sterling, Clerk Wendy F. Cochrane, Member

TOPIC		ACTION
Soil Board Public Hearing	<p>Meeting Convened at 6:05 pm at Town Hall Hearing Room, 1 North Main St.</p> <p>- Public Hearing regarding a Soil Board permit for 180 R Bayview Avenue as posted on May 10, 2018 Cochrane read the following hearing notice aloud:</p> <p align="center">PUBLIC HEARING NOTICE BERKLEY SOIL CONSERVATION BOARD</p> <p>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 July 11, 2018, at 6 p.m. in the Hearing Room at the Town Office Building, One North Main Street, Berkley, Massachusetts, regarding the application of Gilbert Pontes for an Earth Alteration Permit to perform work at property known as and numbered 180 R Bay View Avenue, Berkley, Massachusetts, further identified in the Assessor's records at Map 7, Lot 118. 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.</p> <p align="right">Soil Board George F. Miller, Chairman Heather Martin-Sterling Wendy F. Cochrane</p> <p>Miller asked Mr. Pontes if he understood the permit expires 1 year from the date issued and if he falls behind he can reapply 30 days before the expiration date. Pontes replied yes ok. Miller asked if abutters were notified. Town Administrator replied yes. Miller asked if any abutters were present, 6 people held their hand up. Miller asked Mr. Pontes if the purpose of this permit was to finish the septic, Pontes replied yes. The first abutter to speak was Mr. Pollock who was very concerned that Mr. Pontes would turn this into years of a commercial gravel pit like he felt he had in the past. He did not feel that Mr. Pontes would hold true to his word since he refused to listen in the past and was held in contempt of court. He also mention that this cost the Town thousands of dollars last time. Miller asked Pontes what his estimate was that he would be removing to complete the septic and foundation as well as what kind of time frame we are talking. Mr. Pontes replied he did not know to all of the questions. Mr. Pontes offered the Soil Board to come out and take a look since Mr. Pollock stated there is a big hole that he left and Pontes stated otherwise. Nicholas Vaz spoke on behalf of Michael & Pam Vaz abutter of Mr. Pontes. Vaz questioned the actual amount that is to be taken from the property. He stated that if he did the math right that would be apx. 60 trips and how long did they think this would be going on for. Pollock asked Mr. Pontes if he intended to dig out</p>	<p>Motion to open public hearing made by Cochrane, Sterling sec. – Voted</p>

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another 8000 yards on the other lot, Pontes replied no he did not. Vaz was very concerned that a one year permit is a very long time to allow for such a small job and that in the past it was nonstop for months with the noise and dust everywhere. Pollok pleaded the Board to please not let this happen again. He noted that if Pontes is to remove the same amount as last time that he stands to make over one hundred thousand dollars. Vaz suggested that Pontes should have a bond for this. Sterling asked Pontes if it was his intention to leave some of the material there to backfill or was he going to take it all off the property. Pontes stated he is going to leave some of it there for backfill. Abutter Mark Cardinal who has two lots abutting Pontes was concerned with how close the leeching field was to his property and would like to know the rules and regs on slopes and property lines. The Board agreed to visit Mr. Pontes Property.

Motion to reconvene the public hearing for 180 R Bayview Ave on July 25, 2018 at 6pm was made by Cochrane, Sterling sec. – Voted

Public Hearing

- Cochrane read the following hearing notice aloud:

**LEGAL NOTICE
TOWN OF BERKLEY
BOARD OF SELECTMEN**

**BERKLEY, MASSACHUSETTS
PUBLIC HEARING**

In accordance with Chapter 138, Section 12, 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 July 11, 2018 at 6:30 p.m. in the Hearing Room at the Town Office Building, One North Main Street, Berkley, Massachusetts, on the application of Country Side Package Store, Inc. of 130 Myricks Street, Berkley, Massachusetts, for an application for a Retail Alcoholic Beverages License (transfer of license, change of manager, issuance of stock, new director, new stockholder) on an off premises license #009000012 exercised at 130 Myricks Street property. The licensed premise consists of 1,390 square feet of indoor space.

Motion to open public hearing made by Cochrane, Sterling sec. – Voted

Board of Selectmen
George Miller, Chairman
Heather Martin-Sterling, Clerk
Wendy Cochrane, Member

Motion to approve the liquor license application for Country Side Package Store, Inc. located at 130 Myricks St. made by Cochrane, Sterling sec. – Voted

Attorney Frazee spoke on behalf of the Aguiar family and Country Side Package Store. He stated that this is a transfer in the family between the son and father and that Denise who is the daughter in law is the proposed manager. Miller stated that it is his understanding that the property is for sale and wanted to know if there was an offer to purchase. Frazee stated that there are reasons why the family did it this way and there is a possibility if it did take place this way makes more sense. Miller made mention that if it sells there will be no licensure at that property. Frazee said he knows that if

Motion to close the public hearing made by Sterling, Cochrane sec. – Voted

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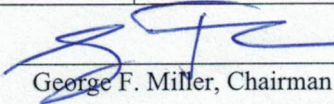
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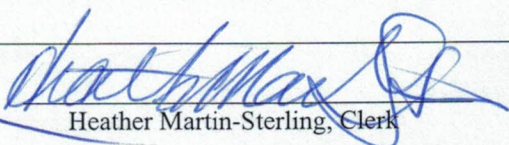
	<p>it sells the buyers would have to apply for the license and wouldn't close unless. Miller questioned the use if sold. Frazee stated that there is a potential buy but nothing is in stone.</p>	
<p>Old Business</p>	<p>Meeting taken out of order to Old Business</p> <ul style="list-style-type: none"> - Miller read aloud the findings and facts from the decision for Vanda Lopes Special Permit pertaining to 78 Jerome Street. The Town Administrator let Vanda know that there was a 20 day waiting period that had to pass to see if anyone came in to appeal it. If no one appeals, she will have to get it registered and the Registry of Deeds and then bring it back to the Town Clerk to be filed. 	<p>Motion to take out of order made by Cochrane, Sterling sec. – Voted</p> <p>Motion to approve made by Miller, Cochrane sec. – Voted</p>
<p>Minutes</p>	<ul style="list-style-type: none"> - Minutes approved for June 13, 2018 – Regular Session - Minutes approved for June 27, 2018 – Regular Session 	<p>Motion to approve made by Cochrane, Sterling sec. – Voted</p> <p>Motion to approve made by Cochrane, Sterling sec. – Voted</p>
<p>New Business</p>	<p>Meeting taken out of order to New Business</p> <ul style="list-style-type: none"> - Arleen Medeiros spoke to the Selectmen regarding the Cable Committee. She spoke how she wished the Board had notified her in advance of their indecisiveness on their intentions. Miller explained that they simply tabled the reappointments due to a lack of members now that Bud is gone and some of the members are no longer participating. Miller apologized on behalf of the Board. 	<p>Motion to take out of order made by Cochrane, Sterling sec. – Voted</p> <p>Informational – No action taken</p>
<p>Old Business Cont.</p>	<ul style="list-style-type: none"> - Reassignment of appointment expiration dates for the following Conservation Commission members <ul style="list-style-type: none"> a. Robert Katon - 2021 b. Dan LaFontaine – 2021 c. Nyles Zager – 2020 - Reassignment of appointment expiration dates for the following Historical Commission members <ul style="list-style-type: none"> d. Marge Ghilarducci – 2021 e. Andrea Perry – 2020 f. Edgar Hoak – 2020 	<p>Motion to appoint made by Cochrane, Sterling sec. – Voted</p> <p>Motion to appoint made by Sterling, Cochrane sec. - Voted</p>

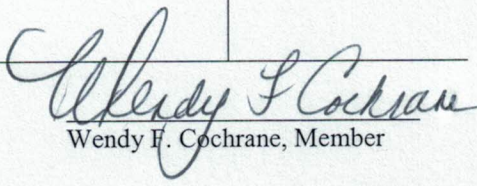
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<p>Appointments</p>	<ul style="list-style-type: none"> - Reassignment of appointment expiration date for Zoning Board of Appeals member James King to 2021 - Fire Chief Fournier came in to speak with the Board about the cistern tank. Fournier stated he spoke with George Faria who was on the Building Committee and it is a 30k gallon tank for fire prevention of the Town Hall and surrounding buildings. Fournier stated that he could not draft water out of it at the last training and they only got 4k gallons out of it. Every June they go around and test the tanks and it did not work then. Fournier thinks that all the pipes are for pressure and we need a pipe that is for vacuum and it may have been installed improperly. The farther you go down the harder it is to get the water out. Town Administrator stated that there are many issues with the building of the New Town Hall and he is hiring an OPM that originally had a bid in to be project manager. - Mr. Coutinho also noted that late that afternoon we received the approval for the Legion's new license and wanted to know what the policy was for handling the fee. - 	<p>Motion to appoint made by Cochrane, Sterling sec. - Voted</p> <p>Informational – No action taken</p> <p>Motion to waive the fee for the American Legion Post 121 made by Sterling, Cochrane sec. – Voted</p>
<p>Old Business Cont.</p>	<ul style="list-style-type: none"> - The Board reviewed correspondence from Counsel regarding a letter from Richard Sandman from Rodman, Rodman & Sandman, P.C. about opioid litigation and representing Town of Berkley. Board voted to table discussion until a later date. 	<p>Motion to table made by Cochrane, Sterling sec. – Voted</p>
<p>New Business Cont.</p>	<ul style="list-style-type: none"> - Miller noted that they had requested the Highway Surveyor attend the meeting tonight but he replied that he could not attend. The Board wanted to discuss what had transpired at the Annual Town Meeting. The Board offered him the courtesy of attending the next meeting as they will discuss it then and they wanted to give him the opportunity to be there. <p style="text-align: center;">Meeting Adjourn</p> <p style="text-align: center;">Next Regular Meeting July 25, 2018</p>	<p>Motion to table made by Cochrane, Sterling sec. – Voted</p> <p>Motion to adjourn made by Sterling, Cochrane sec. – Voted</p>


George F. Miller, Chairman


Heather Martin-Sterling, Clerk


Wendy F. Cochrane, Member

Alan G. Coutinho, Town Administrator