

MINUTES OF TOWN OF BERKLEY SELECTMEN'S MEETING OF 5/30/2018

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

| TOPIC | | ACTION |
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| Public Hearing | <p>Meeting Convened at 6:07 pm at Town Hall Hearing Room, 1 North Main St.</p> <p>- Public Hearing opened at 6:07pm regarding American Legion Post 121 All Alcohol License as posted on May 10, 2018</p> <p>Miller read aloud the hearing as follows: 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 May 30, 2018 at 6 p.m. in the Hearing Room at the Town Office Building, One North Main Street, Berkley, Massachusetts, on the application of Berkley Post 121 American Legion, of 80 Myricks Street, Berkley, Massachusetts, for a Multiple Amendments Application (change of premise, change of manager, change of officers) on an all alcohol license #00002-CL-0090 exercised at the aforesaid 80 Myricks Street property. The licensed premises presently consist of two floors, nine rooms, totaling 1,724 square feet of indoor space; and the aforesaid change seeks to expand licensed operations to 2,800 square feet of outdoor space, a.k.a. a pavilion, with a bar.</p> <p>Change of Management - Donna Machado introduced herself as the new manager. Miller asked who the former manager was. There was some confusion as to who the former manager was. Rich Mangles spoke and said there were some issues and that there were three others it just never made it to the ABCC. It just never got recorded. Miller asked Machado if it was her intention to stay manager for a while, she replied yes and that she has been doing it for a year or so and has worked at the post for about 15 years. Miller asked if she had been CORI checked, Mr. Coutinho replied she had filled out the form and the ABCC would run the check and if other info would be needed they would reach out. Mr. Coutinho asked her if she was TIPS certified and she stated yes. Mr. Coutinho stated that once she gets the approval from the state she can act as manager.</p> <p>Change of Officers – Frederick Simmons, Stephen Rose, Richard Mangles. Miller asked why the change. Bassett stated that every year they have elections and some years it doesn't change. Miller asked if they have an attorney that helps them with the compliance stuff because it is important that they keep up with this considering they have not kept up with it. They stated no. He stated it's just a suggestion but it may help them keep in compliance from here on out.</p> <p>Change of Premise – Miller stated that the difference is the square footage adding an attached bar and pavilion. Mr. Coutinho stated that they are aware that the Police Chief is comfortable that anytime there are 100 people that there be an officer. The biggest thing is making sure that when you are serving outside that you have to have someone that can see them at all</p> | <p>Motion to approve Donna Machado as manager for the American Legion post 121 made by Cochrane, Sterling sec. – Voted</p> <p>Motion to approve change of officers made by Cochrane, Sterling sec. - Voted</p> |

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times. Mangles stated that they have purchased signs to notify people that there is no drinking beyond certain points and they do not tolerate it. Miller asked if anyone from the abutter list would like to speak. Timothy Moreau spoke – He has lived there for years and it was usually not an issue. The last couple years it has changed. There was an event in the fall that he had to call the police more than once and he feels that there is no longer any consideration for the neighbors. Miller asked if this was the fund raiser for the schools. He replied yes. Mangles replied he was on site tending bar and he cut the music off at 9:45pm. There were two detail officers there, and a third detail showed up. At 9:45 Mangles stated he told the band that was the last song. There were fireworks being shot off but that was from another property and had nothing to do with the Legion. He would like in the future if there is ever an issue people call the Legion to ask if they can turn it down. Miller asked Moreau if he stated previously that it was more like 10:15pm, Moreau said it would be easier to check the exact time with the police. Miller asked what he meant by it has got worse over the past two years. Moreau replied that events have become more frequent and louder. Miller asked Moreau if he felt that a cut off time of 10:00pm would be unreasonable. Morro Replied not at all. It was that event that went on all day. Miller asked if there was a way that they could direct the speakers in the future away from the neighbors. Mr. Coutinho noted that they do not have an entertainment license that they need to apply for an entertainment license anytime they have an event outside. Mangles stated that it would ridiculous to have to come down every week every time we have an event every week. It was his understanding that the inside entertainment license covered inside and outside. Mr. Coutinho stated that it is clearly stated for indoors. Miller said that for the time being it would have to be an individual request for each individual event outside and the filing for another entertainment license in the future for outside as it would definitely be a burden to have to come in every week and we are only here every other week. Not to mention, why would you have a pavilion if you couldn't use it for its purpose. Mangles said he would have no problem coming in once the license is all set and apply for another permit.

Motion to approve the change of premises application to the American Legion made by Cochrane, Sterling sec. - Voted

Public Hearing Closed at 6:35pm

Mangles asked the Selectmen about applying for a one day liquor license for an event they have coming up for the Berkley firefighters. The alcohol will be served outside during the fundraiser. The Chief approached him and they have already sold 100 tickets. The alcohol will be served inside, but he would like to allow them to go outside. Miller asked if we have any authority to grant a one day license to an establishment that already has a license. Mr. Coutinho replied that the Board does not. Miller asked how long it will take to get a license to an entity that does not have a license. Mr. Coutinho stated they should have insurance and be non-profit. And they have to buy from a wholesaler. They cannot purchase alcohol from the Legion. Mangles stated that he could set them up with the wholesaler but he does not have much time the event is June 10th. Mangles asked if they can use the pavilion use that bar area. Mr. Coutinho stated yes the

Informational – No action taken

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| <p>Minutes</p> | <p>Firefighters Association can use that bar but they cannot use your kegs and they have to make sure that alcohol sales are covered on their insurance policy. Coverage should go to the Town and the Legion so that everyone is covered. They are allowed to serve inside all day as long as they stay inside. Outside drinks have to stay outside. Mangles would like to volunteer to tend bar, Mr. Coutinho stated that yes he can the big issue is that they have to get the alcohol wholesale and be covered. Cochrane suggested he let people know where people can get tickets. All firefighters have them and the bar does as well. The fundraiser is for a lifesaving CPR vest.</p> <p>- Minutes approved for May 16, 2018 – Regular Session</p> <p>Meeting taken out of order</p> | <p>Minutes approved by Cochrane, Sterling sec. – Voted</p> <p>Motion to take meeting out of order made by Sterling, Cochrane sec. – Voted</p> |
| <p>Personnel Board</p> | <p>- The Board interviewed Michael Pasternak for the Treasurer's Clerk position. Miller stated that he remembered some things from his resume previously submitted and that it stated he had done some auditing work in the past. Pasternak stated that he did it for 16 years. Miller asked if he had any questions. Pasternak did not.</p> <p>Meeting taken out of order</p> | <p>Motion to hire Michael Pasternak as the Treasurer's Clerk made by Sterling, Miller sec. - Voted</p> <p>Motion to take meeting out of order made by Cochrane, Sterling sec. – Voted</p> |
| <p>Soil Board</p> | <p>- Meeting with Brian Dunn President of MBL Land Development and Permitting regarding proposed BayCoast Bank Soil Permit. Mr. Coutinho let the Board know that the purpose of this meeting is to see if they need to go forward with the application or not. Dunn explained that the soil that is moved is reused as part of the landscaping areas and it is not a real excavation. The majority of the job is a fill condition. Miller asked what the change in grade is. Dunn replied 0 – 2 ½ feet is the average. Dunn noted that part of the gravel lot in the back from the boondocks will have to have to be removed because it is crossing part of the property line. Miller believes that it is consistent with what we have had to question with Town Counsel in the past and it should be fine. Cochrane let Dunn know that the Board is in full support of the Bank coming into Town. Dunn commended the Board for their presence at other meetings. They are anticipating a start date of September as long as there are no appeals and things move right</p> | <p>Motion stating that the Soil Board permit is not required for the BayCoast Bank project made by Sterling, Cochrane sec. – Voted</p> |

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| | <p>along. The last bank took 8-10 months but it was twice as large. They are hoping to have it done by winter. Board asked Mr. Coutinho to post that the Selectmen will be attending the next meeting.</p> | |
| Meeting Mail | <ul style="list-style-type: none"> - Invitation form Bristol County Agricultural High School regarding commencement exercises. Miller asked if anyone of the Selectmen are planning to attend. They could not. - Letter from SRPEDD regarding South Eastern Massachusetts Metropolitan Planning Organization | <p>Motion to file made by Cochrane, Sterling sec. – Voted</p> <p>Motion to file made by Cochrane, Sterling sec. – Voted</p> |
| Old Business | <ul style="list-style-type: none"> - Mr. Coutinho wanted to let the Board know that the following members are on the Cable Committee: James Cornell, Arlene Medeiros, Pat Spellman, Edward Dugan, and Kimberly Miller. | <p>Informational – No action taken</p> |
| New Business | <ul style="list-style-type: none"> - New Business Certificates: <ul style="list-style-type: none"> a. Chalk Paint Charm - Miller asked her to tell them a bit about the business. She stated it is mostly painting furniture and custom cabinets. Miller asked if she has customers coming to her house. She replied, hardly, maybe once a week to drop off a dresser. Client's cabinets are done at their house. Miller noted that if she gets large she would have to move the business because it would not be a small home based business. b. BLC Drywall - Did not show. Miller would like to have him come in next time if possible. | <p>Motion to file made by Cochrane, Sterling sec. – Voted</p> |
| Public Input | <ul style="list-style-type: none"> - Miller read some comments from residents in Town. And replied to them. One woman stated that no one wants businesses coming into Town and they just want to tax the residents and their homes. Miller replied she is part right that most people don't want businesses next to their homes. He doesn't feel that the problem is with lack of support because at the last Town meeting there were apx. 90% in support of bringing cannabis business into the Town. There are other issues at hand here. Miller would like to take some of these comments and take them serious and reply to them on a regular basis. Larabee spoke up stating that folks are talking about the stabilization fund has gone down. And a similar thread about free cash and he was hoping Mr. Coutinho who has a good understanding of it | |

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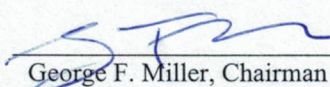
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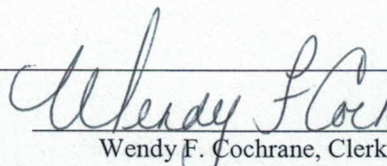
could explain it. Miller stated he was trying to stay on the lines and that is a bit further down the path but he would welcome a brief explanation. Mr. Coutinho replied free cash comes from two sources. Turn back money that departments turn back at the end of the year that they didn't use. And additional revenues that were not budgeted. For example they budgeted \$100,000 for excise tax but received \$150,000. Also, there hadn't been an audit since 2014 so there were some adjustments that were not made correctly while there were changes in office. Free cash should only be spent on one time issues because there is no guaranty that you will get that amount of free cash again.

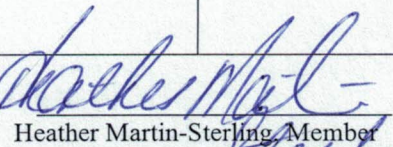
Meeting Adjourn

Next Regular Meeting June 13, 2018

Motion to adjourn
made by Cochrane,
Sterling sec. –
Voted


George F. Miller, Chairman


Wendy F. Cochrane, Clerk


Heather Martin-Sterling, Member

Alan G. Coutinho, Town Administrator