

SPECIAL TOWN MEETING
MONDAY NOVEMBER 13, 2023

Moderator: George Miller
Attendance: 110

Town Clerk: Heather J. Almy

Called to order 7:06PM

Moderator started the meeting with the Pledge of Allegiance

Moderator, George Miller made a motion and it was seconded to read the warrant as printed in its entirety, so moved

Article 1 Selectman Freitas made a motion and it was seconded to hear the report of the Finance Committee.

Report was read by Michelle Hamilton, Chairman of Finance Committee

Town of Berkley
Finance Committee

Good Evening,

Special Town Meeting represents the close of Fiscal Year 2024. We are cautiously optimistic as we go forward as we approach the fiscal year 2025.

The major changes for Special Town Meeting include: an additional \$62,492 from amended new growth. This new growth was a result of additional value from personal property, especially those from new marijuana facilities. The Finance Committee recommends the appropriations outlined in article two of the warrant.

The Town has seen a significant increase in legal costs in FY 2024 and this item has frequently overrun its budget in previous years. This will likely continue into the future and will have to be monitored heading into FY2025. The remainder of the amended new growth is to be placed into general stabilization which serves as the Town's emergency savings. Once funds are voted in, they can only be voted out on town floor. The Finance Committee unanimously recommends Article Two.

The Fincom recommends the passage of articles four and five, as these will not impact taxation and will help our public safety officials. Regarding the stabilization funds in articles seven, eight, and nine, the Fincom recommends each. The funds for marijuana and opioids make sure that the money isn't spent through our budget.

There are two major challenges that will be faced by the town in the years going forward. The Bristol Plymouth Vocational High School debt and the Berkley Community School vote. In addition, the increase of healthcare insurance cost will continue to be an impact as well.

We must not lose sight of our stabilization account and continue to provide the Town of Berkley with stability for future emergencies and maintaining our credit rating.

Lastly, I would like to thank the volunteers who served on our Finance Committee. As always, we will continue to serve the town to the best of our ability.

Michele Hamilton, Chairman

Nancy Gajoli, Clerk

ARTICLE 2. Selectman McCrohan made a motion and it was seconded that the Town vote to raise and appropriate from amended new growth the following amounts:

Legal	\$25,000.00
General Stabilization	\$37,492.00

Totaling: \$ 62,492.00

Explanation: This motion will appropriate from amended new growth to fund increases in legal costs to better reflect actual spending. The motion will place the remaining funds into general stabilization, which serves as the Town's emergency savings.

No discussion, Motion carried unanimously

ARTICLE 3. Selectman Cochrane made a motion and it was seconded that the Town vote to accept the provisions of Massachusetts General Law Chapter 41, Section 19J, authorizing it to compensate a town clerk who also serves as a member of the board of registrars of voters, in addition to any compensation to which such clerk is entitled as town clerk, a sum not less than fifty dollars but not to exceed one hundred dollars, and if the number of registered voters exceeds one thousand, an additional sum not less than fifty dollars but not to exceed one hundred dollars for each additional thousand of registered voters or major fraction thereof, the total payment for such service as a member of said board not to exceed four thousand dollars in any year.

Explanation: By accepting this section of Massachusetts General Laws, the Town of Berkley may compensate the Town Clerk an additional \$50-\$100 for membership on the board of registrars, for the first 1,000 registered voters in the Town, plus another \$50-\$100 for each additional 1,000 registered voters or major fraction thereof. The Town of Berkley currently has approximately 5,356 registered voters such that the Town may elect to pay an additional \$250 to \$500 based on that number.

Resident Voter- Dean Larabee asked for an explanation, Selectman Wendy Cochrane Explained. No further discussion, Motion carried unanimously.

ARTICLE 4. Selectman Freitas made a motion and it was seconded that the Town vote to transfer the sum of \$100,000 from the Ambulance User Fees Account to the Public Safety Renovation Account.

Explanation: This will fund the completion of ongoing renovations at the Public Safety Building. At our previous annual town meeting, an initial transfer of \$100,000 was made and work began. The addition includes an emergency operations center and locker room for the police and additional living quarters for the Fire Department. The renovation is weathertight, but unfinished. This additional \$100,000 transfer will complete the work. As in June, this transfer will not impact

No discussion, Motion carried unanimously

ARTICLE 5. Selectman McCrohan made a motion and it was seconded that the Town vote to transfer the sum of \$9,500.00 from the Ambulance User Fees Account to the EMS Data Processing Account.

Explanation: This will fund the purchase of three computers for the Emergency Medical Services ambulances that could not be otherwise purchased through its repair and maintenance budget lines.

No discussion, Motion carried unanimously

ARTICLE 6. Selectman Cochrane made a motion and it was seconded that the Town vote to amend the “Official Zoning Map Town of Berkley” referenced in Article 21, Section 2B, of the Bylaws, by adding the following lot to the existing General Business District: 32 Padelford St – Map 10 Lot 66; and to amend the Town’s official zoning map accordingly.

Explanation: A “yes” vote will add this property to the existing business district, which currently includes several lots to the west of route 24 along Padelford St. A “no” vote will result in no action and the property will continue to operate by special permit as previously approved by the Planning Board and Zoning Board of Appeals. The motion differs slightly from the warrant as the warrant references Bylaws which have yet to be adopted by the Attorney General.

This vote will require a two-thirds majority for passage.

Planning Board Member Marc Oliviera stated the Planning Board voted unanimously to not recommend this article. Resident Voter- Susan Hathaway asked if any other businesses would be going in. Selectman Wendy Cochrane stated, no other new businesses, this is for Hillside Lawn & Farm Repair. No further discussion, Motion carried unanimously.

ARTICLE 7. Selectman Freitas made a motion and it was seconded that the Town vote to accept the fourth paragraph of Massachusetts General Laws Chapter 40, Section 5B, which provides for the dedication, without further appropriation, of all, or a percentage not less than 25 percent, of particular fees, charges or receipts to a stabilization fund established under said Chapter 40, Section 5B, to be effective for the fiscal year beginning on July 1, 2024.

Explanation: By accepting this chapter and section of Mass General Law, the town will be able to place the fees for the two ensuing articles into their respective stabilization funds without the need for further action on town floor.

No discussion, Motion carried unanimously

ARTICLE 8. Selectman McCrohan made a motion and it was seconded that the Town vote to create a Marijuana Stabilization Fund in accordance with Massachusetts General Laws Chapter 40, Section 5B, the purposes for which monies deposited into the Fund may be expended to include all purposes reasonably related to the costs imposed upon the Town by the operation of a Marijuana Establishment(s) and/or Marijuana Treatment Center(s), such fund to be effective for the fiscal year beginning on July 1, 2024; and to vote to dedicate all fee(s) due under any Host Community Agreement signed with the Town pursuant to Massachusetts General Laws Chapter 94G, Section 3(d), to the Marijuana Stabilization Fund established as aforesaid, effective for the fiscal year beginning on July 1, 2024.

Explanation: When the Town enters into agreement with a marijuana facility or center, there are often agreed upon “community impact fees”. Creating a stabilization fund ensures that these fees are kept separate from the general fund and that they can only be used to offset the impacts of marijuana facility, as intended. Examples of impact costs may include, but are not limited to municipal inspection costs, traffic intersection design studies, public safety personnel overtime costs, environmental impact studies, substance abuse prevention programming, all as further described by the Massachusetts Cannabis Control Commission.

This motion will further dedicate, automatically and without the need for future appropriation, these fees to the new stabilization fund. Future appropriations out of the fund, however, will require Town Meeting approval.

This vote will require a two-thirds majority for passage.

No discussion, Motion carried unanimously

ARTICLE 9. Selectman Cochrane made a motion and it was seconded that the Town vote to create an Opioid Stabilization Fund in accordance with Massachusetts General Law Chapter 40, Section 5B, the purposes for which monies deposited into the Fund may be expended to include Opioid Use Disorder, or OUD, treatment, support programs for people with OUD in treatment and recovery, Connects to Care for people with or at risk of developing OUD, harm reduction efforts to prevent overdoses, deaths, or other opioid related harms, support of diversion and deflection programs and strategies for criminal-justice-involved persons with OUD, support of pregnant or parenting women and their families, including babies with Neonatal Abstinence Syndrome, and prevention of misuse of opioids and implementation of prevention education, such Fund to be effective for the fiscal year beginning on July 1, 2024; and to vote to dedicate all opioid settlements to the Opioid Stabilization Fund established as aforesaid, effective for the fiscal year beginning on July 1, 2024.

Explanation: Cities and towns in Massachusetts have begun receiving money from settlements with large opioid manufacturers and distributors with the intention of mitigating the impacts of the opioid crisis. As in the previous article, the creation of a stabilization fund keeps these funds separate from the general fund and held for their specific purpose. Also as in the previous article, this motion will further dedicate, automatically and without the need for future appropriation, these monies to the new stabilization fund. Future appropriations out of the fund will require Town Meeting approval.

This vote will require a two-thirds majority for passage.

Resident Voter- Marcilla Couitt asked if the Town was already receiving any funding for this, Selectman Wendy Cochrane said yes, and explained. No further discussion, Motion carried unanimously.

ARTICLE 10. Selectman Freitas made a motion and it was seconded that the town vote to accept the provisions of Massachusetts General Laws Chapter 40, Section 8L, thereby establishing an Agricultural Commission to promote and develop the agricultural resources of the Town, to be comprised and empowered as per said statute.

Explanation: A “yes” vote will establish an Agricultural Commission for the promotion of the farming community. Agricultural Commissions provide a forum for farmers to collaborate, exchange information, and interact with other Town boards. The Commission does not act as an enforcement authority. If adopted, the Board of Selectmen act as the appointing authority for said Commission.

A slide show presentation was given by Kevin Partridge, former Interim Town Administrator explaining a Right to Farm Community. Resident Voters: Richard Strozyk, Susan Hathaway, Lisa Tetreault, Joseph Pavao, Dean Larabee, Daniel Fournier, and Walter Hermenau all voiced their concerns and comments. No further discussion, Motion carried unanimously.

A motion was made to adjourn and it was seconded.
Time adjourned 7:54PM

A True Copy Attest

*Heather J. Almy
Town Clerk*