

ANNUAL TOWN MEETING  
TOWN OF BERKLEY  
JUNE 2, 2014

Moderator: John D. Blake  
Berkley Community School

Clerk: Carolyn Awalt  
Attendance: 215

The Moderator called the meeting to order at 7:15 p.m.

The Moderator entertained a motion and it was seconded, to dispense with the reading of the warrant in its entirety and to take up each article as printed on the warrant. The Moderator declared the motion carried by majority.

ARTICLE 1. A motion was made by Wendy Cochrane and seconded, and it was voted for FY14: \$122,033.92 from Somerset Berkley Regional High School to High School Stabilization; \$ 15,000. from Bristol Plymouth Regional School to Berkley School Department; \$ 12,000. from Highway Personal to Highway Expense; \$ 18,946. from Ambulance User to Municipal Lease, and to appropriate from Free Cash the amounts of \$ 130,184 to Snow & Ice; \$ 12,000. to Veterans' Benefits; \$20,000 to Public Safety Building Roof; \$10,000 to new Town Hall for dirt contamination; \$ 7,000 to Protective Fire Gear; \$ 6,569 to Repeater Building repairs; \$ 5,500 to Medicare; \$ 2,750 to Public Safety Building Computer Room.

ARTICLE 2. A motion was made by George Miller and seconded, and it was voted: To hear the report of the Capital Improvement Planning Committee. Richard Moroff, Chair stated Article 23 was about the Fire Tanker and refurbishing of the existing 1988 tanker. This needs to be done and the town has already voted it outside Proposition 2 ½ last month at the Town Election.

ARTICLE 3. A motion was made by Linda Howerton and seconded, and it was voted: To hear the report of the Town Office Building Project Committee. Paul Modlowski, Chairman stated that construction was underway and the building will be open April 15, 2015. Everything is proceeding on that schedule.

ARTICLE 4. A motion was made by Wendy Cochrane and seconded, and it was voted: To hear the report of the Finance Committee. Ed Hoak, Chairman stated the FY15 budget this evening has the Finance Committee's unanimous recommendation.

Note: The entire report is attached hereto and made a permanent part of this record.

ARTICLE 5. A motion was made by Geroqe Miller and seconded, and it was voted: To raise and appropriate the necessary monies for the following government Public Safety Accounts: Fire Personnel \$102,000; Fire Department Expense \$26,000; Turnout Gear (2) Oxygen bottles \$6,000; Fire Contracted Services \$6,000; Ambulance Personnel \$226,971 by transfer of \$120,000 from Ambulance User Fee and \$106,971 from taxation; Ambulance Expense \$16,500; Ambulance Union Contract \$20,000; Ambulance Contracted Services \$12,000; Police Dept. Personnel \$591,009; Police Expense \$46,900; Police Union Contract \$50,406; Police Contracted Services \$4,445; Critical Incident Training \$5,000; Communication Personnel \$213,405; Communication expense \$5,500; Communication Union Contract \$15,157; Public Safety Building Expense \$35,437; Highway Surveyor Salary \$63,336; Highway Personnel \$338,989; Highway Expense \$155,040; Highway Contracted Services \$43,260; Highway Union Contract \$12,000; Tree Warden Salary \$3,300; Tree Warden Expense \$3,000; Emergency Tree Work \$5,000; Snow Removal Account \$ 55,000; Storm Water Management \$5,500.

ARTICLE 6. A motion was made by Linda Howerton and seconded, and it was voted: To authorize the Board of Selectmen to accept and enter into a contract for the expenditure of any funds allocated by the Commonwealth and/or federally aided programs for the construction, reconstruction and improvements of Town roads.

ARTICLE 7. A motion was made by Wendy Cochrane and seconded, and it was voted: To raise and appropriate the necessary monies for the following governmental accounts for **Debt Service:** *Exempt Debt Service:* Middle School debt service \$845,000; Middle School debt service interest \$238,050; School Renovation Debt Service \$10,000; School Renovation Debt Service Interest \$2,925; Well Debt Service \$20,000; Well Debt Service Interest \$5,850; Multi-use Land Debt Service \$80,000; Multi-use Land Debt Service Interest \$22,625; Town Office Building Interest \$4,800; Somerset Berkley Regional School District Borrowing Interest \$311,932.

ARTICLE 8. A motion was made by George Miller and seconded and it was voted: To raise and appropriate the necessary monies for the following governmental accounts: Bristol County Retirement \$609,190; Medicare \$135,000; Employee Insurance \$217,620; Borrowing Costs \$5,000; Public Water Supply \$750; \$ Software Maintenance \$24,000; Municipal Lease \$68,500 by transfer of \$40,000 from Ambulance User Fee and \$28,500 from taxation; Internet service \$15,000; Town Fuel \$120,000; IMC-CJS software \$17,305; Sealer of weights & Measures Expense \$1,000; Town Counsel \$32,500; Town Audit \$35,400; Town Insurance Premiums/Deductibles \$107,031; Street Lights \$2,200; Care of Veterans' Graves \$250; Veterans' Graves – Memorial Day \$700; Historical Commission Expense \$100; Contract negotiations \$2,000.

ARTICLE 9. A motion was made by Linda Howerton and seconded, and it was voted: To raise and appropriate the necessary monies for the following governmental accounts: Assessors' Salary \$10,933; Assessors' Personnel \$17,545; Assessors' Expense \$8,500; CAMA \$2,750; Assessors' Recertification \$5,000; Assessors' Annual Tax Maintenance \$6,000; Accounting Personnel \$50,245; Accounting Expense \$900; Collector of Taxes Salary \$28,850; Collector's Personnel \$16,162; Collector's Expense \$10,430; Moderator Salary \$74; Moderator Expense \$400; Town Clerk Salary \$28,850; Town Clerk Personnel \$15,288; Town Clerk Expense \$4,100; Elections \$18,000; Registrations \$5,100; Treasurer Salary \$28,850; Treasurer Personnel \$ 23,778; Treasurer Expense \$14,000; Tax Title Expense Collector \$2,500; Tax Title Expense Treasurer \$4,750; Building Department Personnel \$23,488; Building Department Expense \$ 2,043; Animal Control Personnel \$7,200; Animal Control Expense \$2,500; Council on Aging \$6,253; Veterans' Agent Personnel \$7,878; Veterans' Benefits \$43,000; Veterans' Agent Expense \$4,000; Training/Certification \$500; Town Hall Expense \$35,780; Selectmen Salaries \$9,460; Selectmen Personnel \$44,993; Selectmen Expense \$3,400; Finance Committee Expense \$1,500; Finance Committee Reserve \$5,898.

ARTICLE 10. A motion was made by Wendy Cochrane and seconded, and it was voted: To raise and appropriate the necessary monies for: Board of Health Members; Planning Board Members and Cemetery Commissioners; and the following governmental accounts: Board of Health Salary \$ 2,258; Planning Board Salary \$ 924; Cemetery Commissioners' Salary \$ 366; Cemetery Expense \$ 4,000.

ARTICLE 11. A motion was made by George Miller and seconded, and it was voted: To raise and appropriate the necessary monies for the following governmental accounts: Library Trustees Salary \$ 605; Library Salary \$ 45,239; Library Personnel \$ 44,607; Library Expense \$ 26,448.

ARTICLE 12. A motion was made by Linda Howerton and seconded, and it was voted: To raise and appropriate the necessary monies for the following governmental accounts: School Committee Salaries \$ 924; Berkley School Department \$ 8,334,843; Somerset Berkley Regional High School

District \$ 1,779,175 by transfer of \$ 1,649,175 from High School Stabilization and \$ 130,000 from taxation; Bristol County Agricultural High School \$ 22,321 and Bristol-Plymouth Regional Technical School District \$ 817,496.

ARTICLE 13. A motion was made by Wendy Cochrane and seconded, and it was voted: To hear the report of the Somerset Berkley Regional High School Building Committee.

Superintendent Thomas Lynch stated the building is on budget and on time. It is about 90% finished and will open in September with the Staff coming in August 2014.

ARTICLE 14. A motion was made by George Miller and seconded, and it was voted: To approve the establishment of a Stabilization Fund according to Massachusetts General Law C 71, Sec 16G ½ for the Bristol-Plymouth Regional Technical School District.

ARTICLE 15. A motion was made by Linda Howerton and seconded, and it was voted: To authorize the Board of Assessors, in accordance with Massachusetts General Laws, Chapter 41, Section 4A to hire one or more of its members to do annual tax maintenance on real and personal property and to set the fee paid to said members at \$15.00 per parcel. Said funds to be paid from Annual Tax Maintenance Account.

ARTICLE 16. A motion was made by Wendy Cochrane and seconded, to accept the provisions of Ch. 125 of the Acts of 1988, amending Sec. 4 of Ch. 73 of the Acts of 1986 to allow an additional exemption which shall be for all exemptions and none of which shall exceed 25% of said exemption for which they qualify in Fiscal Year 2013.

Town Counsel stated the reference to Chapter 125 should be Chapter 126 and questioned the Fiscal Year referenced.

An amended was made and seconded, and it was voted: To amend Article 16 by striking 126 and inserting 126 and striking FY13 and inserting FY14.

The Moderator called for a vote on Article 16 as amended. After a hand vote, the Moderator declared Article 16 passed by majority.

ARTICLE 17. A motion was made by George Miller and seconded, and it was voted: To authorize the Board of Health in accordance with Chapter 41, Section 4A to appoint one or more of its members as agents(s) of the Board of Health as well inspectors and sanitation inspectors and to set the dollar amount for said agents Inspector fees as follows: \$75.00 per perc hole, \$100.00 per well inspection, \$150 per sanitation inspection, \$75.00 per food service inspection, \$50.00 per pumper truck inspection, \$50.00 for other miscellaneous inspections when a license or certificate is required.

ARTICLE 18. A motion was made by Linda Howerton and seconded, and it was voted: To authorize the following Inspectors to establish revolving funds under MGL, Chapter 44, Section 53E½:

**Wiring Inspector** – limit: \$10,000; source: fees; purpose: salaries/ advertising/ postage/general office expenses & equipment/mileage & training. To be expended by the Building Inspector.

**Gas/Plumbing Inspector** – limit \$10,000; source: fees; purpose: salaries/ advertising/postage/general office expenses & equipment/mileage & training. To be expended by the Building Inspector.

**Board of Appeals** - limit: \$5,000.00; source: fees; purpose: advertisement/ postage/professional fees, excluding legal/general office expense/equipment.

**Planning Board** – limit: \$10,000.00; source: fees; purpose: advertising/postage/ professional fees, excluding legal/general office expenses /Planning Board Clerical / and equipment.

**Soil Conservation Board** - limit: \$ 5,000.00; source: filing fee expense; purpose: advertisement/ clerical/postage/professional fees, excluding legal/general office expense & equipment.

**Board of Health Inspection Account** – limit \$ 48,300; source: all fees and charges received from ANY inspections. Use: salaries, expenses professional services, including ALL inspections.

**Police Department** – limit \$30,000; source: fees; purpose police detail salaries.

**School Department** –limit \$ 90,000; source: Somerset Berkley Regional School District; purpose reimbursement for expenses incurred for transporting special needs students to Somerset Berkley Regional High School.

ARTICLE 19. A motion was made by George Miller and seconded, and it was voted: To TABLE Article 19.

NOTE: Article 19 was regarding amending Dog Control By-law Section 1 regarding kennel descriptions.

ARTICLE 20. A motion was made by George Miller and seconded, to amend By-law ARTICLE 7 Finance Committee Bylaw Section 1 paragraph a) to read as follows: “a) There shall be a Finance Committee consisting of seven (7) legal voters of the Town who shall be chosen by an appointing authority consisting of the Moderator, the Chairman of the Board of Selectman and the Chairman of the last Finance Committee: three (3) to serve for three years, three (3) to serve for two years and one (1) to serve for one year; and each shall serve thereafter for three years. Members shall serve without pay. After conclusion of each Annual Town Meeting, the committee shall organize by choosing a chairman and a secretary.”

In accordance with Town Bylaw, Article 2, Section 1, a public hearing was held on May 15 after publication in the GAZETTE.

The Moderator called for a vote on Article 20. After a show of hands, the Moderator declared Article 20 passed by majority.

ARTICLE 21. A motion was made George Miller and seconded, and it was voted: To waive the reading of the Article.

A motion was made by George Miller and seconded, and it was voted: To amend Bylaw ARTICLE 26, Flood Plain District Bylaw Sections 2, 3 and 4 and replace with the following:

**SECTION 2. FLOOD PLAIN DISTRICT BOUNDARIES AND BASE FLOOD ELEVATION AND FLOOD WAY DATA FLOOD PLAIN DISTRICT BOUNDARIES**

The Flood Plain District is herein established as an overlay district. The District includes all special flood hazard areas designated within the Town of Berkley designated as Zone A, AE, or VE on the Bristol County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of National Flood Insurance Program. The map panels of the Bristol County FIRM that are wholly or partially within the Town of Berkley are panel numbers 25005C0251F, 25005C0252F, 25005C0256F, 25005C0257F, 25005C0258F, and 25005C0259F dated July 7, 2009; and panel numbers 25005C0253G, 25005C0254G, 25005C0261G, 25005C0262G, and 25005C0263G dated July 16, 2014. The exact boundaries of the district may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Bristol County Flood Insurance Study (FIS) report dated July 16, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission.

**BASE FLOOD ELEVATION AND FLOOD WAY DATA**

1. FLOOD WAY DATA. In Zone A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, Local, or other flood way data shall be used to prohibit encroachments in flood ways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. **BASE FLOOD ELEVATION DATA.** Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is lesser, within unnumbered A zones

### **SECTION 3. NOTIFICATION OF WATERCOURSE ALTERATION**

Notify, in a riverine situation, the following, of any alteration or relocation of a watercourse: Adjacent Communities

NFIP State Coordinator - Massachusetts Department of Conservation and Recreation, 251 Causeway St, Suite 600-700 - Boston, MA 02114-2104

NFIP Program Specialist – Federal Emergency Management Agency- Region I – 99 High St., 6th Floor, Boston, MA 02110.

### **SECTION 4. REFERENCE TO EXISTING REGULATIONS**

The Flood Plain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by Special Permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Section of the Massachusetts Building Code which addresses flood plan and coastal high hazard areas (currently 780 CMR);
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00)
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variance from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

### **OTHER USE REGULATIONS**

1. Within Zones AH and AO on the FIRM, require adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.
2. In Zone AE, along water courses that have a regulatory floodway within the Town of Berkley designated on the Bristol County FIRM, encroachments are prohibited in the regulatory flood way which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
3. Review all subdivision proposals to assure that; a). such proposals minimize flood damage; b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and c) adequate drainage is provided to reduce exposure to flood hazards.
4. Existing contour intervals of site and elevations of existing structures must be included on the plan proposal.
5. There shall be established a “routing procedure” which will circulate or transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health, Town Engineer, Building Inspector, Highway Surveyor and the Board of Selectmen for comments which will be considered by the appropriate permitting board prior to issuing permits.
6. Man-made alteration of sand dunes within Zone VE which would increase potential damage are prohibited.
7. All new construction within Zone VE must be located landward of the reach of mean high tide.

In accordance with Town Bylaw, Article 2, Section 1, a public hearing was held by the Planning Board on May 22 after publication in the GAZETTE.

The Moderator called for a recommendation from the Planning Board Chair. Chairman Steven Leary stated they strongly recommend residents to vote to accept the Flood Plain District Bylaw.

The Moderator called for a vote on Article 20. After a show of hands, the Moderator declared Article 20 passed by majority.

ARTICLE 22: A motion was made by Wendy Cochrane and seconded and it was voted: To accept Sections 3 to 7, inclusive, of Chapter 44B of the Massachusetts General Laws otherwise known as the Community Preservation Act by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, preservation and creation of open space, the acquisition, preservation and rehabilitation of historic resources, the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space and community housing that is acquired or created as provided under said Act; that the amount of such surcharge on real property shall be 1% of the annual real estate tax levy against real property commencing in fiscal year 2015; and that the Town of Berkley hereby accepts the following exemptions from such surcharge permitted under Section 3(e) of said Act:

- property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the Town of Berkley, as defined in Section 2 of said Act; and
- \$100,000 value of the value of each taxable parcel of residential real property.

ARTICLE 23: A motion was made by George Miller and seconded, that the Town appropriates \$400,000 to pay costs of (i) refurbishing the existing 1988 1,500 gallon capacity Fire Tanker Truck; (ii) purchasing a new Fire Tanker Truck and related equipment, and (iii) paying all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Sections 7(9) and 7(9A) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

The Moderator called for a hand vote. With only 2 opposed, the Moderator declared Article 23 clearly passed by the 2/3rds required.

ARTICLE 24: A motion was made by Linda Howerton and seconded to see if the Town will vote to amend Article 21 ZONING, Section 10, by deleting C i. No sign shall extend above the roofline of a building to which it is attached.

In accordance with Town Bylaw, Article 2, Section 1, a public hearing was held by the Planning Board on May 22 after publication in the GAZETTE.

The Moderator called for a recommendation from the Planning Board Chair. Chairman Steven Leary stated the Planning Board unanimously voted to recommend Article 24 because it conflicts with an existing section in the Zoning Bylaw.

The Moderator called for a vote on Article 24. With only 5 opposed, the Moderator declared Article 24 passed the 2/3rds required.

A motion was made and seconded, to adjourn.

Adjourned: 8:43 pm

A true record:

ATTEST:

Carolyn Awalt  
Town Clerk